



PLANNING COMMISSION AGENDA

October 14, 2015, 7:00 p.m.

Multipurpose Room/Council Chamber

Burien City Hall, 400 SW 152nd Street

Burien, Washington 98166

This meeting can be watched live on Burien Cable Channel 21 or on www.burienmedia.org

1. ROLL CALL

2. AGENDA CONFIRMATION

3. APPROVAL OF MINUTES

September 23, 2015

4. PUBLIC COMMENT

Public comment will be accepted on topics not scheduled for a public hearing.

5. PUBLIC HEARINGS

- A. Public Hearing on MS Properties Rezone Request
- B. Public Hearing on Friel Rezone Request
- C. Public Hearing on 2015 Comprehensive Plan Text Amendments

6. OLD BUSINESS

- A. Discussion of 2015 Comprehensive Plan Amendments, including Rezone Requests

7. NEW BUSINESS

- A. Introduction to 2015 Zoning Code Amendments, Keeping of Animals and text corrections.

8. PLANNING COMMISSION COMMUNICATIONS

9. DIRECTOR'S REPORT

10. ADJOURNMENT

Future Agendas (Tentative)

October 28, 2015

- Recommendation on 2015 Comprehensive Plan Amendments, Including Rezone Requests
- Public Hearing on 2015 Zoning Code Amendments, Keeping of Animals and text corrections.

September 9, 2015

- Recommendation on 2015 Zoning Code Amendments, Keeping of Animals and text corrections.

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Planning Commissioners

Curtis Olsen (Chair)

Butch Henderson
Joel Millar

Amy Rosenfield (Vice-Chair)
Brooks Stanfield

Jim Clingan
Douglas Weber

City of Burien

BURIEN PLANNING COMMISSION
September 23, 2015
7:00 p.m.
Multipurpose Room/Council Chambers
MINUTES

To hear the Planning Commission's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

CALL TO ORDER

Chair Curtis Olsen called the September 23, 2015, meeting of the Burien Planning Commission to order at 7:00 p.m.

ROLL CALL

Present: Jim Clingan, Butch Henderson, Joel Millar, Curtis Olsen, Amy Rosenfield and Douglas Weber

Absent: Brooks Stanfield

Administrative staff present: David Johanson, senior planner; Chip Davis, Community Development Department director

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Henderson, seconded by Vice Chair Rosenfield, and passed 6-0 to approve the minutes of the September 9, 2015, meeting.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Commissioner Clingan, seconded by Commissioner Henderson, to approve the agenda for the September 23, 2015, meeting. Motion passed 6-0.

PUBLIC COMMENT

None.

OLD BUSINESS

None.

NEW BUSINESS

A. Introduction to 2015 Comprehensive Plan Amendments, including Rezone Requests

David Johanson, senior planner, gave a brief introduction on two Comprehensive Plan map amendment and rezone requests proposed by private parties and on miscellaneous text amendments to the Comprehensive Plan proposed by staff. The commission will conduct a public hearing on these items at its October 14th meeting.

He noted that the proposed map amendments/rezone requests are quasi-judicial decisions and cautioned the commissioners not to discuss the requests with proponents or opponents of the proposals. Such communication is called “ex parte contact” and may violate the Appearance of Fairness doctrine.

The first map amendment/rezone request, proposed by MS Property Management, is to change the Comprehensive Plan map designation of three parcels from Office to High-Density Multi-family and to rezone the parcels from Office to Residential Multi-family 48, meaning 48 units per acre maximum.

The second map amendment/rezone request, proposed by Anna and Rick Friel, is to change the Comprehensive Plan map designation of one parcel from Moderate Residential Density Neighborhood to Moderate Density Multi-family Neighborhood and to rezone the parcel from Residential Single-Family 7,200 sq. ft. minimum lot size to Residential Multi-family 18, meaning 18 units per acre maximum.

Mr. Johanson said the applicants are required to address established criteria for amendments in their application. He said he will provide the commissioners with an evaluation of each request based on the criteria in their next meeting packet.

Mr. Johanson then gave a brief introduction to the proposed miscellaneous Comprehensive Plan amendments, which include updates to maps within the plan.

Commissioner Weber asked why some areas of RS-7,200 zoning on the LU2 Planned Land Use Intensity map are designated high density land use while others aren't. Mr. Johanson responded that while he doesn't know why it was previously done that way, he can update the map for consistency.

Commissioner Rosenfield said she is a little unclear about what Mr. Johanson is looking for regarding the two recommended climate change policy language options. Mr. Johanson replied that there is a choice; does the commission want to include both proposed new policies or just Pol. SU 6.2? He said there is no need to make a decision until after the public hearing on the proposed amendments.

PLANNING COMMISSION COMMUNICATIONS

Commissioner Clingan said he watched the past two meetings on television while he was out with a medical issue and wished to compliment the commissioners on their handling of the proposed limited amendments to the Shoreline Master Program. He also congratulated the new chair and vice chair on their election and said he was pleased to meet the newest commissioner.

DIRECTOR'S REPORT

Chip Davis, Community Development director, welcomed Commissioner Clingan back and mentioned that the Oct. 14th meeting will include the hearings on the proposed Comprehensive Plan amendments and an introduction to the proposed Zoning Code amendments on the keeping of animals.

The Oct. 28th meeting will include a public hearing on the keeping of animals and hopefully the commissioners will be making a recommendation to the City Council on the proposed Comprehensive Plan amendments.

ADJOURNMENT

Direction/Action

Commissioner Henderson moved for adjournment; Commissioner Clingan seconded. Motion carried unanimously. The meeting adjourned at 7:40 p.m.

APPROVED:_____

Curtis Olsen, chair
Planning Commission

DRAFT

CITY OF BURIEN, WASHINGTON MEMORANDUM

DATE: October 2, 2015
TO: Planning Commission
FROM: David Johanson, AICP
Senior Planner
SUBJECT: Public Hearing on 2015 Comprehensive Plan Map and Rezone Amendments.

PURPOSE/REQUIRED ACTION

The purpose of this agenda item is to conduct a public hearing regarding the proposed 2015 Comprehensive Plan map and rezone amendments.

Staff will summarize the recommendations for the requested comprehensive plan and rezone requests based on the criteria as presented at your September 23, 2015 meeting. Attached you will find the staff recommendation reports for each of the two requested land use designation changes (see Attachments 1 and 2).

In addition to hearings for the land use designation changes there will also be a hearing to receive public comments on the proposed text changes. There will be a total of 3 separate hearings the topics, they are as follows.

- 1) MS Property Management Re-zone Request
- 2) Friel Re-zone Request
- 3) Comprehensive Plan Text Amendments

QUASI-JUDICIAL DECISION

The two land use designation requests constitute quasi-judicial decisions and therefore Planning Commission members should not discuss this pending land use application with opponents or proponents of the proposal. This type of contact is called "Ex Parte Contact" and it may violate the Appearance of Fairness doctrine, which ensures that decision makers act without bias when deciding land use requests.

BACKGROUND

The Planning Commission recommended the 2015 docket to the City Council on March 25, 2015. The City Council adopted the 2015 Comprehensive Plan Docket on April 20, 2015 (Resolution No. 363).

The requested land use designation changes were presented at your September 23, 2015 meeting.

PLANNING COMMISSION ACTION

No action is necessary at the meeting.

Staff is requesting that the Planning Commission conduct a public hearing for the purpose receiving comments of each of the comprehensive plan map amendment and re-zone requests.

NEXT STEPS

A recommendation to the City Council on each of the three items is scheduled for your next meeting on October 28, 2015.

If you have any questions before the meeting, please contact David Johanson at (206) 248-5522 or by e-mail at davidj@burienwa.gov.

Attachments:

- 1. Staff Recommendation Report, PLA 15-0391, MS Property Management Comprehensive Plan Map Amendment and Rezone Request**
- 2. Staff Recommendation Report, PLA 15-0430, Anna Friel Comprehensive Plan Map Amendment and Rezone Request**



CITY OF BURIEN, WASHINGTON

Department of Community Development

400 SW 152nd Street, Suite 300, Burien, Washington 98166

Phone: (206) 241-4647 Fax: (206) 248-5539

Comprehensive Plan Map Amendment & Rezone Request For MS Property Management PLA 15-0391

APPLICANT: Melina Lin for MS Property Management, Property Owner

LOCATION: 14421 8th Avenue Southwest (see Attachment 1-Vicinity Map)

CURRENT LAND USE: Multi-family Residential and one vacant parcel.

TAX PARCEL #s: 192304-9318; 192304-9334; 019235-0000 and 192304-9317

REQUEST:

- 1) Change the Comprehensive Plan Designation from Office to High Density Multi-family Neighborhood; and
- 2) Change the Zoning Designation from Office (O) to Residential Multi-family-48 (RM-48)

STAFF

RECOMMENDATION:

- 1) Amend the Comprehensive Plan Designation from Office to High Density Multi-family Neighborhood; and
- 2) Amend the Zoning Designation from Office (O) to Residential Multi-family-48 (RM-48)

FINDINGS & CONCLUSIONS

COMPREHENSIVE PLAN MAP HISTORY

- 1983 (before incorporation):** King County Highline Community Plan designated the subject property as Low Density Multi-family (7-18 units per acre).
- 1993:** City of Burien Interim Land Use Plan (Ordinance 27) designated the subject parcels as Low Density Multi-family.
- 1997:** City of Burien Comprehensive Plan (Ordinance 212) changed the subject property designation to Office.

ZONING MAP HISTORY

- 1993 (before incorporation):** The King County Zoning Map designated the property as Residential Multi-family (RM-1,800).
- 1994:** The City of Burien Interim Zoning Code (Ordinance 87) designates the property as Residential Multi-family with a maximum density of 24 units per acre.
- 1999:** The City of Burien Zoning Map (Ordinance 264) designates the area as Office for consistency with the Comprehensive Plan designation.

ADJACENT COMPREHENSIVE PLAN, ZONING DESIGNATIONS AND USES:

Direction	Comprehensive Plan Designation	Zone	Current Uses
North	Moderate Density Residential Neighborhood	Residential Single-Family (RS-7,200)	Multi-Family
South	Community Commercial	Community Commercial-1 (CC-1)	Fire Station and Single-family residential
East	Moderate Density Residential Neighborhood	Residential Single-family (RS-7,200)	Single-family residential
West	Community Commercial	Community Commercial-1 (CC-1)	Commercial strip mall development

EXPANSION OF THE REQUESTED REZONE AREA

The original application includes three parcels that maintain the office designation, however there is a fourth parcel located immediately to the south that also is designated as Office and is developed as multi-family. The City contacted the owner of this property to determine if there was interest in having a land use designation change be considered for that parcel in addition to the three parcels to the north. This was deemed logical because all the properties designed as Office would be considered concurrently. The property owner provided written confirmation that they consent to explore a possible land use designation change (see Attachment 3). Based on this response to the City's inquiry, this review will include a total of four parcels that currently maintain the "Office" designation.

BACKGROUND

The applicant requests to change land use designations for three parcels that total 1.11 acres (48,591 square feet). One of the three parcels contains multi-family building containing 23 units and was constructed in 1962. The existing building is a condominium. The vacant western two parcels are approximately 0.52 acres (22,490 square feet). All three parcels are currently designated as Office on both the City's Comprehensive Plan and zoning maps.

The applicant has stated they desire to construct a 3-story 21-unit apartment building, with surface parking for 29 vehicles, and 4,200 square feet of on-site recreation space on the two vacant parcels. Primary access to the site will be from one driveway gaining access from 8th Avenue S.W. The requested zoning designation of RM-48 would allow a maximum of 24 units to be constructed.

The applicant requested the land use designation change for 3 parcels and this area, and the area is generally flat. The two vacant parcels are mostly grass with the exception of a few mature trees located near the south property line. As mentioned above the area being considered for a change to a High Density Multi-family has been expanded to include a parcel immediately to the south which is developed as multi-family and currently maintains an Office designation. This site contains the Century Manor Apartments.

This is only a review of the criteria for a comprehensive plan land use designation and zoning change. References to general development standards are appropriate however review of a development proposal will occur at a later date where specific details of site design features and project components will receive a significantly more detailed review. This includes but is not limited to development standards for parking, landscaping, access, stormwater and on-site recreation space.

REVIEW CRITERIA FOR COMPREHENSIVE PLAN MAP AMENDMENT

Burien Municipal Code section 19.65.095.6 contains criteria for review of a proposed Comprehensive Plan amendment. To be approved, the proposed amendment must meet all of the following criteria (in bold, followed by staff response).

A. The proposed amendment is the best means for meeting an identified public benefit.

As indicated by the Applicant's submitted materials (Attachment 2), the current office zone designation allows an office development in a residential neighborhood where access is provided via a residential street. Accessing an office use through a mix of a single-family and multi-family neighborhood is not a desirable development scenario from a traffic impact standpoint.

The proposed land use designation for use as multi-family dwellings would be more compatible with the existing uses adjacent to the site.

Rezoning from office to multi-family will enable the City to maintain sufficient housing capacity to accommodate future growth within its designated urban center.

B. The proposed amendment is consistent with the Growth Management Act, applicable Puget Sound Regional Council (PSRC) Plans, King County Countywide Planning Policies and Burien Comprehensive Plan.

See Attachment 2 (page 3, Section B) for the Applicant's response to the criteria regarding the proposed amendment's consistency with the Growth Management Act goals and the County-wide planning policies.

The proposed amendment is consistent with the overall intent of the relevant goals and policies of Burien's Comprehensive Plan and by extension the Growth Management Act and the Countywide Planning Policies.

C. The proposed amendment will result in a net benefit to the community.

The proposed amendment will result in a net benefit to the community by ensuring that there is sufficient supply of housing to accommodate future growth within Burien's designated urban center. The parcels are also located within walking distance of transportation, recreation and commercial services. The amendment will also maintain the residential character of the neighborhood along 8th Avenue SW as opposed to an office use. In the longer term it will result in the development of vacant lots which will reduce the potential for nuisances.

D. The revised Comprehensive Plan will be internally consistent.

The proposed amendment will not create an internal inconsistency in the Comprehensive Plan.

E. The capability of the land can support the projected land use.

As described in "Background" at the beginning of this report, the site topography is described as flat in addition there are no critical areas near this location. These site characteristics pose minimal barriers for future development. Other construction considerations such as storm water and connection to utilities will be addressed in detail if a construction application is received.

F. Adequate public facility capacity to support the projected land use exists or, can be provided by the property owner(s) requesting the amendment, or can be cost-effectively provided by the City or other public agency.

The applicant has not provided the City with certificates of sewer, water or hydrant availability, however all adjacent buildings are being served by "public" water and sewer

service. When a future site specific building permit applicant is filed the applicant shall demonstrate that adequate public utilities are available.

G. The proposed amendment will be compatible with nearby uses.

Properties immediately to the south of the subject site are designated Office and is developed with the Century Manor Apartments, a 21-unit complex constructed in 1962. The property to the north of the site is designated Moderate Density Residential Neighborhood and is developed with the Hallmark Apartments, a 52-unit complex constructed in 1968. To the west the land is designated Community Commercial and is developed with a strip mall containing an assortment of uses including mostly retail businesses. To the east and across 8th Avenue SW from the site is single-family residential development.

The proposed amendment would change the land use and designations back to multi-family residential designations that were in effect prior to 1997 and be consistent with developments on both the north and south parcels that are immediately adjacent to the site.

The existing densities of the existing developed lots are as follows;

North - Hallmark Apartments, constructed in 1968, density of 34 units per acre.

South - Century Manor Apartments, constructed in 1962, density of 38 units per acre

East – Alpha PH I Condominiums, constructed in 1962, density of 40 units per acre.

The multi-family land use designation change to RM-48 will match the existing uses as currently developed on the subject parcels is compatible with the predominantly multi-family development. The multi-family uses serve as a transition from the commercial uses along Ambaum Boulevard SW on the west to the single-family neighborhood located to the east.

Basic Development Regulations for Apartment Developments are as follows. The most notable differences in the development standards is that buildings are allowed to potentially exceed 60-feet in height if the building is set further back from property lines.

Development Standards Comparison Chart

	RM-24	RM-48	O
Maximum Units per acre	24	48	24**
Front setback	10-feet	10-feet	10-feet
Interior setback	5-feet	5-feet	0-feet
Building coverage	70%	70%	70%
Impervious surface coverage	85%	90%	85%
Height	35-feet (approximately 3 stories)	60-feet* (approximately 5 stories)	45-feet***
Parking	1.8 per unit	1.8 per unit	

*-height limit may be increased if portions of the structure that exceed the base height limit provide one additional foot of front and interior setback for each foot above the base height limit, but the maximum height may not exceed 75 feet.

**-only allowed as a mixed use development with 75% of the gross floor area must be office.

***-may be increased to 65-feet through a type I review and 25% of parking is located beneath the building and fully screen from public view.

Based on historical development data the RM-24 zoning designation is achieving 15.63 units per acre (overall achieved platting and multi-family development projects)

The RM-48 zone has insufficient data to determine past performance (35 units per acre is the assumed density for capacity estimating purposes).

H. The proposed amendment would not prevent the City from achieving its Growth Management Act population and employment targets.

As reported in the 2014 King County Buildable Lands Report, Burien is responsible to plan for a 2035 employment target of 8,780. Under current zoning, Burien has an employment capacity of 8,848 (Comprehensive Plan Table 2-LU 2.1). Consequently, the proposed amendment allowing the potential to develop additional housing units in this location will not prevent the City from achieving its Growth Management Act population and employment targets and will contribute more towards achieving the City's population targets and maintaining sufficient residential housing capacity.

- I. ***For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:***
 - i. ***Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate; or,***
 - ii. ***The map change will correct a Comprehensive Plan designation that was inappropriate when established.***

Applicable Designation Criteria

The applicable designation criteria for the High Density Multi-family Neighborhood land use designation is found in Policy RE 1.9 of the Comprehensive Plan. In addition to listing the applicable designation criteria, this policy states that ***“The **High Density Multi-family neighborhood** designation allows multiple-family residential uses at a maximum density of 48 units per net acre. Accessory and non-residential uses that are compatible with a high density multi-family area also may be allowed, including offices in a mixed use development. This designation is implemented by the RM-48 zoning category.”***

Policy RE 1.9 lists the criteria for designating **High Density Multi-family Neighborhood**, which is shown below followed by Staff’s analysis.

- 1. The area is already primarily characterized by multifamily residential uses at 18 or more units per acre.***

The cluster of parcels in the immediate vicinity are developed with multi-family residential structures with densities ranging from 34 to 40 units per acre. The three developments were constructed in the 1960’s prior to incorporation of Burien which occurred in 1993.

Policy LU 1.6 states that the City should ***“Encourage redevelopment and development of underutilized and vacant land to be compatible with the envisioned character, scale and design of surrounding development”***.

- 2. The area is within 1/8 mile of moderate and high commercial service nodes (shown on Figure 2 LU-3, Commercial Nodes) as measured along an arterial. The designation is also appropriate within the urban center boundary or within 1/8 mile of the urban center boundary as measured along an arterial.***

The parcels are located with Burien’s designated urban center boundary as shown on Figure 2LU-1.11(see Attachment 4).

3. ***The area is located within ¼ mile of a transit route with peak transit frequency of at least every 10-20 minutes.***

Ambaum Boulevard SW is within ¼ mile of the parcels and has multiple bus routes (120 and 560) with transit frequency exceeding the prescribed criteria.

4. ***The area does not have critical areas, except critical aquifer recharge areas.***

The area does not contain critical areas.

5. ***The area is located adjacent to or has adequate access to a primary or minor arterial.***

The parcels are located less than a 1/10th of a mile from SW 146th Street which is designated as a collector arterial (Figure 2 TR 2.3).

6. ***The area is served by adequate and/or planned recreational facilities such as athletic fields or playgrounds.***

The parcels are located approximately ¼ mile walking distance from the Annex Park, Dottie Harper Park and the Burien Community Center. These park facilities contain a variety of recreation opportunities including a skate park, a basketball court, play structures as well as recreation classes of all types.

Criteria ii, Inappropriate Designation:

Based on historical zoning maps it appears that the cluster of parcels maintained a high density multi-family land use designation at some point in time. This is reflected by the existing multi-family developments existing at these locations today. At some time during Burien's initial comprehensive plan development that concluded in 1997, the land use designations were changed. The parcels that are now designated as office and contain multi-family development should revert back to a multi-family designation.

The land use designation of the parcels should be evaluated based on other considerations such as allowed uses, land use transitioning, parking and traffic impacts. These are all appropriate considerations given that access obtained by partially connecting through a well established residential neighborhood.

Comprehensive Plan Map Land Use Designation Change Conclusions

The High Density Multi-family Residential neighborhood designation is appropriate because it is consistent with the applicable designation criteria and for the following reasons.

- The site is located within the designated urban center boundary, where Burien has planned to accommodate future growth. This is supported by Policy LU 1.4 which states *“Encourage a mix of residential, office and commercial uses within Burien's Urban Center to create a vibrant city center that reduces reliance on the automobile and provides a range of housing opportunities”*.
- The designation change will increase available land to help Burien maintain a sufficient capacity of land to accommodate prescribed housing capacity targets.
- The parcels are located near established transit routes with frequent service.
- With the exception of the vacant parcels, the long standing multi-family development on the parcels should be recognized and appropriate designations should be applied.
- If development were to occur on the vacant parcel it is located adjacent to the commercially zoned properties to the west and future development will provide an added level of transition to both the existing multi-family and the single-family neighborhood.

REVIEW CRITERIA FOR A REZONE

The City of Burien Zoning Code (BMC 19.65.090.3.C) contains the criteria for review of a proposed rezone. To be approved, the proposed rezone must meet ***all*** of the following criteria.

1. The rezone is consistent with the Comprehensive Plan.

A change of the current Office zoning designation to Residential Multi-family 48 is consistent with the accompanying Comprehensive Plan re-designation from Office to High Density Multi-family Neighborhood.

2. The rezone will advance the public health, safety or welfare.

The proposed rezone will advance the public health, safety and welfare by ensuring that compatible development with the surrounding parcels will occur on the vacant parcel. Compatible development in this instance entails an allowed use that would not overly impact the adjacent multi-family development and the access to the parcel through a residential neighborhood. The possibility of the development of an office use could potentially generate more traffic than a multi-family development, although the peak trips could occur at different times during the day.

The rezone will also align the zoning with the established uses of moderate to high multi-family residential housing as well as serve as a transition from the commercial zone adjacent to Ambaum Boulevard Southwest.

3. *The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas.*

Specific impacts of the project will be identified and reviewed as part of the formal land use and building permit application process once details of a possible development proposal are known. No significant adverse environmental impacts were identified.

4. *The rezone is necessary because at least one of the following is met: a) Conditions in the immediate vicinity or neighborhood have changed so that it is in the public interest to approve the rezone; or b) the rezone will correct a zone classification or zone boundary that was inappropriate when established; or c) The rezone is necessary to achieve consistency with the Comprehensive Plan land use map.*

As discussed above in Criteria I of the Review of Criteria for the Comprehensive Plan Amendment, the proposed Comprehensive Plan map change will correct an inappropriate designation since a number of parcels were developed as multi-family in the 1960's and the zoning was changed

Zoning Plan Map Land Use Designation Change Conclusions

Following a review of the applicable zoning designation change criteria the requested zoning change has demonstrated that the applicable criteria have been met, therefore the requested rezone should be granted.

ATTACHMENTS

1 - Vicinity Map

2 - Submitted Application Materials

3 - Letter from Thomas Dew, owner rep for the Century Manor Apartments

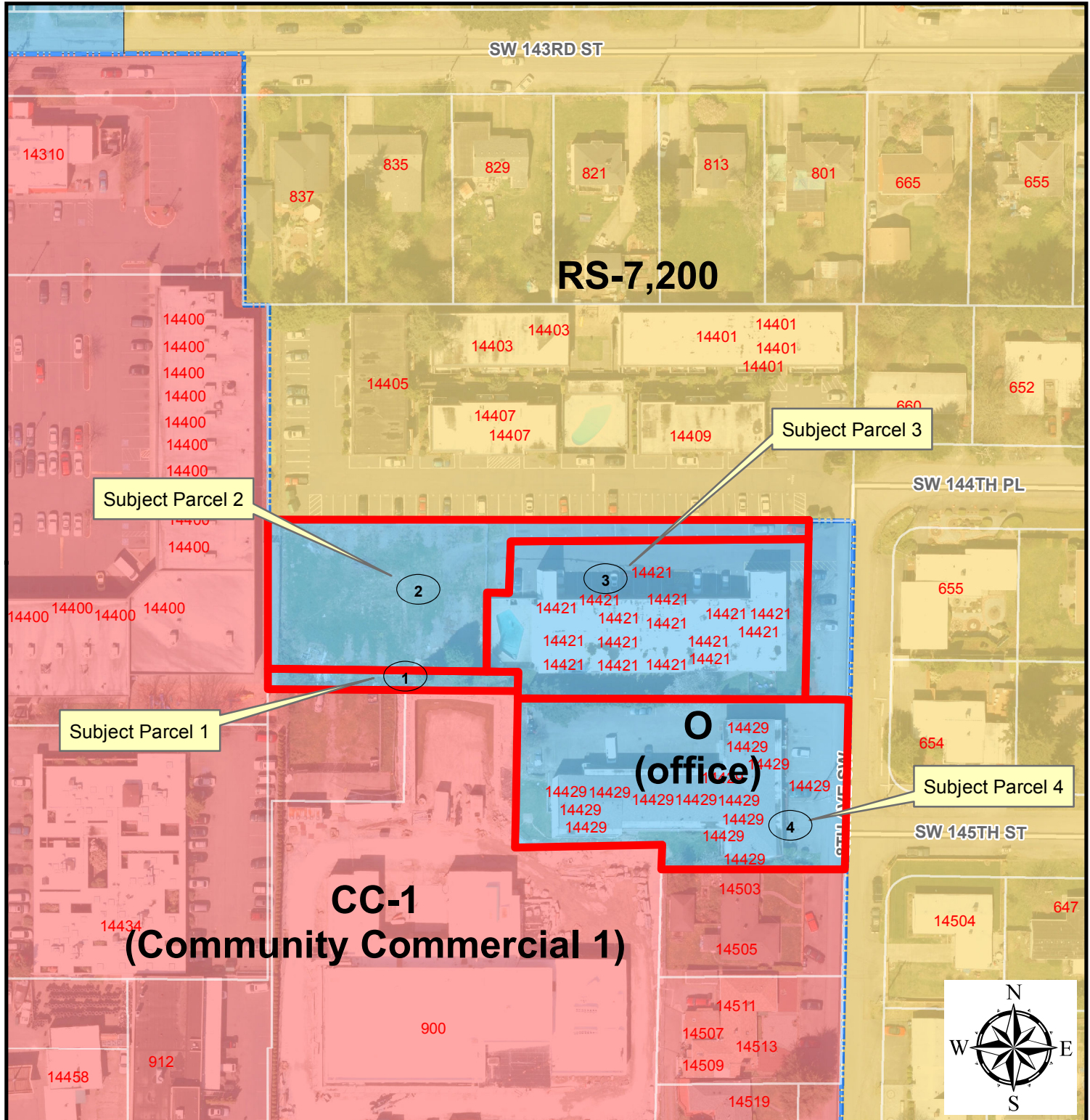
4 - Figure 2LU-3, Urban Center Boundary

5 - Public Comments

MS Property Management Comprehensive Plan and Zoning Map Amendment Request File No. PLA 15-0391



Vicinity Map



Comprehensive Plan Amendment and Rezone Application

Re: Vacant Lot Parcel Numbers #1923049318 & #1923049334
Property with existing building #192350000

Best Classification based on surrounding buildings:

The subject properties are two vacant lots (two parcels) and an adjacent parcel which houses an existing 23 unit Residential Condo building (Alpha I). They are all currently zoned as Office.

Our main purpose is to change the zone for the two vacant lots, but the City of Burien Planner suggested that it is best to rezone all three of them including the existing residential building Alpha I (an "Office" zoning does not match the current usage of the existing residential building.) So here in this application, we have included all three tax parcels – two are for vacant lots and one for the existing residential building.

The subject properties are surrounded by several multifamily / apartment buildings. They are all accessed from the 8th Ave SW, which is a quiet residential street. There is no access from Ambaum Blvd into the two vacant lots, or Alpha I.

The current zoning on the subject properties is Office, while surrounding buildings are apartment buildings accessed from the 8th Ave SW. Should an office building is built on the subject two vacant lots, it will not match the neighborhood characteristic which are residential buildings; and the access to the office will be from a residential street. If the zoning stays with Office, most likely the vacant lots will stay vacant as it does not make any economical sense to build an office there.

Based on this, the best use for the subject properties shall be multifamily.

PLA 15-0391

RECEIVED

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CITY OF BURIED
ATTACHMENT 2

Density

We propose the subject zoning is changed to Residential Multifamily 48. This designation allows 48 units in one acre land which is 900SF per unit. This Density matches the existing density of the neighbor multifamily properties.

The neighbor properties are listed as followings and also shown on the attached lot plan.

	Address (Burien)	Parcel #	Lot Size (SF)	Units (#)	Density
1	14405 8th Ave SW	#1923049283	66390	52	1276 SF/U
2	14429 8th Ave SW	#1923049317	24120	21	1148 SF /U
3	Condo Alpha I 14421 8th Ave SW	#192350000	24950	23	1085 SF /U
4	Subject vacant lots	#1923049318 #1923049334	22490	Vacant now Proposed 21	1070 SF/U

Even though the zoning allows for 900SF per unit, we will most likely propose 21 units in the subject lot, which means 1070SF per unit density. From the above chart, this number matches very well with the existing neighbor properties, which deems reasonable.

Answers to the Comprehensive Plan Amendment Criteria and Re-zone Criteria

Item by item:

BMC 19.65.095.6 Criteria. The City Council may approve or approve with modifications a Comprehensive Plan amendment if all of the following criteria are met:

- A. The proposed amendment is the best means for meeting an identified public benefit; and

ANSWER: The access street 8th Ave SW is a residential street. The lot has no access from the busy arterial street Ambaum Blvd. It is not a good design to have an Office building crowded by all residential properties nearby. If an office is built, there will be the only office in the block. It will bring noise, pollution, and traffic in and out during the day. It will disturb the residents a quiet enjoyment of their homes.

- B. The proposed amendment is consistent with the Growth Management Act, applicable Puget Sound Regional Council (PSRC) plans, King County Countywide Planning Policies and Burien Comprehensive Plan;

ANSWER: Yes. It matches. The GMT, PSRC and KCCPP, BCP are about the consistency of environmental sustainability, housing, economic development, transportation and siting of public service. The change of zoning to R48 does not impact environment adversely, and it provides additional housing to satisfy the urban population growth.

- C. The proposed amendment will result in a net benefit to the community; and

ANSWER: Once it is changed to multifamily zoning, we will build on the vacant lots a new apartment building, which share the same characteristics as neighboring properties. It will appear much nicer to the neighborhood instead of an empty lot with weeds. Otherwise, the lots will remain vacant and empty. Also see answer in item A.

- D. The revised Comprehensive Plan will be internally consistent; and

ANSWER: yes. Upon approval of this zoning change, the Comprehensive Plan and Zoning Plan are consistent. The area is already primarily characterized by multifamily residential uses at 18 or more units per acre. The area is within 1/8 mile of moderate and high commercial service nodes as measured along an arterial. The designation is also appropriate within the urban center boundary or within 1/8 mile of the urban center boundary as measured along an arterial.

- E. The capability of the land can support the projected land use; and

ANSWER: We have drawn a site plan for the subject vacant lots. We plan to design and build a 3-story building with 21 units, 29 parking spaces, and sufficient open space. The area does not have critical areas. The proposed zoning R48 would mathematically allow for 24 units since the property is almost exactly ½ an acre. But once all the zoning requirements (i.e. parking, on-site recreation, unit decks, etc.) are met the actual unit count will probably be between 18 and 20.

- F. Adequate public facility capacity to support the projected land use exists, or, can be provided by the property owner(s) requesting the amendment, or, can be cost-effectively provided by the City or other public agency; and

ANSWER: This project is a relatively very small project. It has negligent impact on public facility. The area is also located within ¼ mile of a transit route with peak transit frequency of at least every 10-20 minutes. Metro Bus #120 runs along Ambaum Blvd SW, a primary arterial which is approximately ¼ mile to the West of the property and meets this frequency criteria.

In addition, the area is served by adequate and/or planned recreational facilities such as Dottie Harper Park, the Burien Community Center, and Annex Park. All of these are located approximately a ¼ to the East of the property. These parks include but are not limited to picnicking, basketball, skatepark and play structures. So, yes, the public facility is sufficient.

- G. The proposed amendment will be compatible with nearby uses; and

ANSWER: Yes, the neighborhood properties are multifamily properties at a density of ranging from 1085 SF to 1276SF per unit. See table on page 2 for details and Exhibit A (Neighborhood Plan).

- H. The proposed amendment would not prevent the City from achieving its Growth Management Act population and employment targets; and

ANSWER: No. It would not prevent. The two vacant lots are within 1 mile of the downtown Burien. The city of Burien is growing. More jobs and more people are moving here. This project will add more housing to the city. It meets the housing demand of a growing City. It is consistent with GMA population and employment targets.

- I. For a Comprehensive Plan land use map change, the applicable designation criteria for the proposed land use designation are met and either of the following is met:

- i. Conditions have changed since the property was given its present Comprehensive Plan designation so that the current designation is no longer appropriate; or,
- ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.

ANSWER: the item ii designation criteria is met. The zoning for this lot was multifamily residential under King County in the past. When it was annexed into City of Burien, it may be incorrectly coded as Office in the comprehensive plan.

SITE SPECIFIC REZONES

BMC 19.65.090.3.C The City may grant a site-specific rezone only if all of the following criteria are met:

- i. The rezone is consistent with the Comprehensive Plan; and

ANSWER: Yes. We will request to change in both Comprehensive Plan and Zoning Plan.

- ii. The rezone will advance the public health, safety, or welfare; and

ANSWER: Yes. This is residential zoning neighborhood. It is beneficial to all the neighbors to have a residential building, instead of an office building.

- iii. The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas; and

ANSWER: No. The two vacant lots are almost flat. It is an easy to build lot. Once the building is built, it will improve the neighborhood as it will not be a vacant lot; left empty and growing weeds.

- iv. The rezone is necessary because at least one of the following is met:

- a. Conditions in the immediate vicinity or neighborhood have changed so that it is in the public interest to approve the rezone, or

- b. The rezone will correct a zone classification or zone boundary that was inappropriate when established, or

- c. The rezone is necessary to achieve consistency with the Comprehensive Plan land use map.

ANSWER: The conditions b & c are met. See answer to item I above.

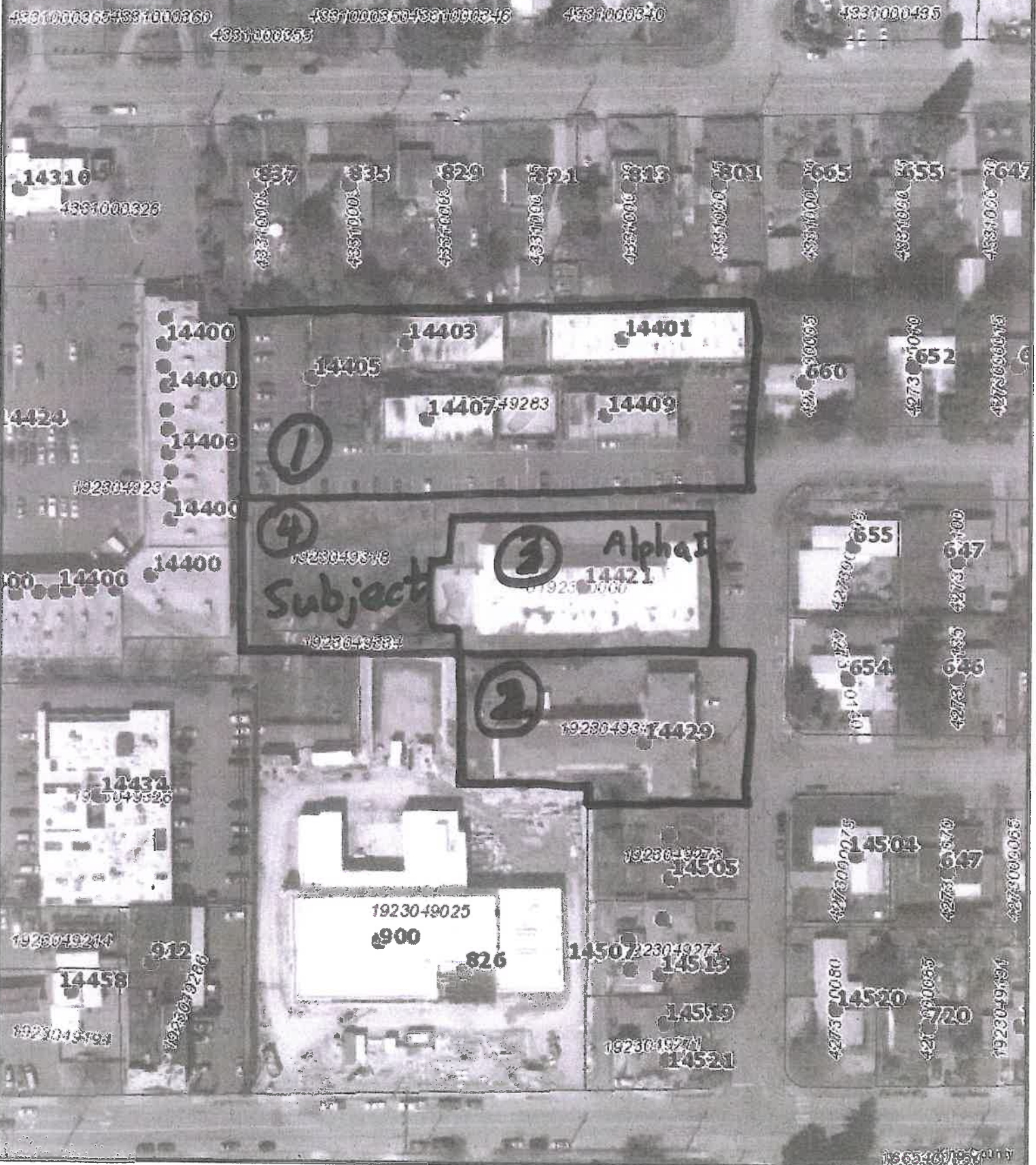
Notes:

The above narratives are mostly focused for the two vacant lots; but it also applies to the parcel which has an existing 23 unit Condo building. The change of the zone for the Tax Parcel #192350000 is to make the current use Residential consistent with the zoning designation in Comprehensive Plan and Zoning Plan.

< END >

King County

Exhibit A



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 1/27/2015

1 in : 157 feet

0 0.0175 0.035 ft



 King County
GIS CENTER

Lew Family Investment Company, LLC
4065 - 25th Avenue South
Seattle, WA 98108

RECEIVED

SEP 22 2015

CITY OF BURIED

September 21, 2015

David Johanson
City of Burien
400 SW 152nd St, Suite 300
Burien, WA 98166-1911

RE: Potential Zoning Change for Parcel ID Number 192304-9317

Dear Mr. Johanson:

Thank you for the information on the potential zoning change to our property (Century Manor Apts at 14429 – 8th Avenue SW, Burien, WA 98166) located on KC Assessor PIN 192304-9317. As I understand it, there is no financial obligation to the owners. The City of Burien is only considering a potential zoning change for this and adjacent properties at this time.

You requested a written statement from us on this subject. On behalf of the owners, I am consenting to exploring the potential zoning change from Office to RM-48 on this property.

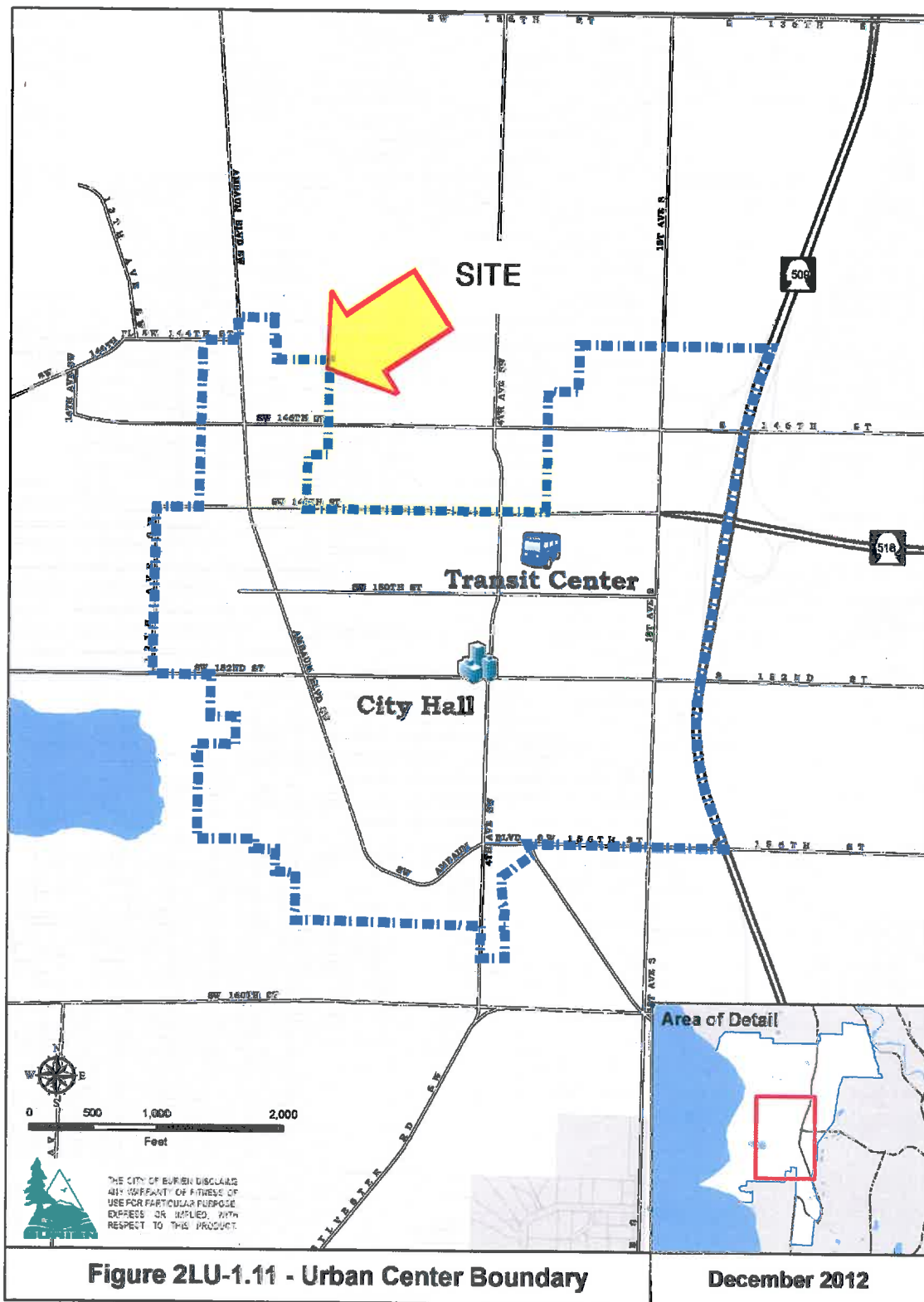
Please contact me if you need more information or have any questions. Thank you!

Sincerely,



Thomas Lew
206-407-5554

ATTACHMENT 3



\\GIS\SC1\GISShare\Femadol\Requests\PL\TKT2635\CompPlanMap\Figure2LU-1.11_TKT2635.mxd
 Last updated: 6/21/2012
 By: Femadol

ATTACHMENT 4



CITY OF BURIEN, WASHINGTON

Department of Community Development

400 SW 152nd Street, Suite 300, Burien, Washington 98166

Phone: (206) 241-4647 Fax: (206) 248-5539

Comprehensive Plan Map Amendment & Rezone Request For Anna Friel PLA 15-0430

APPLICANT: Anna Friel, Property Owner

LOCATION: 11232 26th Avenue South (see Attachment 1-Vicinity Map)

CURRENT LAND USE: Single-family Residential

TAX PARCEL #s: 092304-9048

REQUEST:

- 1) Change the Comprehensive Plan Designation from Moderate Density Residential Neighborhood to Moderate Density Multi-family Neighborhood; and
- 2) Change the Zoning Designation from RS-7,200 to Residential Multi-family-18 (RM-18)

STAFF

RECOMMENDATION:

- 1) Retain the Comprehensive Plan Designation of Moderate Density Residential Neighborhood; and
- 2) Retain the Zoning Designation of RS-7,200

FINDINGS & CONCLUSIONS

COMPREHENSIVE PLAN MAP HISTORY

- 1983 (before incorporation):** King County Highline Community Plan designated the subject property as Low Density Multi-family (7-18 units per acre).
- 2010:** North Highline Area Annexed from King County.
- 2013:** City of Burien Comprehensive Plan (Ordinance No. 573) changed the subject property designation to Moderate Density Single-Family Neighborhood.

ZONING MAP HISTORY

- 2009 (before incorporation/annexation):** The King County Zoning designation for the property was Residential Multi-family (R-18).
- 2010:** City of Burien Ordinance No. 533 established interim zoning for the North Highline Area. The parcel was designated RM-18 with a maximum density of 18-units per acre.
- 2013:** The City of Burien Zoning Map (Ordinance 573) applied the RS-7,200 zoning land use designation for consistency with the Comprehensive Plan designation.

ADJACENT COMPREHENSIVE PLAN, ZONING DESIGNATIONS AND USES:

Direction	Comprehensive Plan Designation	Zone	Current Uses
North	Moderate Density Residential	Residential Single-Family (RS-7,200)	Single-Family
South	Moderate Density Residential	Residential Single-Family (RS-7,200)	Single-Family
East	City of Tukwila	Manufacturing Industrial Center/Heavy Industrial	Highway State Route 599 Duwamish River and Office (Boeing)
West	Moderate Density Residential Neighborhood	Residential Single-family (RM-18)	Multi-family residential Developed at a density of 13 units per acre(11.16 Acres/150 units)River Heights Apartments

BACKGROUND

The applicant requests to change land use designations for one parcel that totals 1.65 acres (71,874 square feet). The site contains a single-family residence and was constructed in 1938. The existing building is a single-family home located at the northeastern corner of the site. Immediately to the north is a lot containing a single-family residence. The parcel is bordered

by 26th Avenue South on the west and there is a substantial slope down to the residence and State Route 599 that is located immediately east of the site. Due to the steep topography down from 26th Avenue South to the site, it appears a driveway is shared with the residence to the north. Approximately two-thirds of the site is wooded.

In 2010 the City of Burien annexed this parcel and the surrounding neighborhood from King County. As a part of that process interim zoning designations were assigned the whole area with the commitment by the City to revisit land use designations in the near future. In 2011 the City initiated community based process to analyze existing land use designations and propose comprehensive plan and zoning designations for the recently annexed area. The following is a brief summary of those actions.

August 16, 2011 - First North Highline open house: Notice was mailed to all North Burien residents and owners. John Tamburelli (past owner) was on the mailing list. Notice was mailed to the site addresses.

Fall/Winter 2011 - Multiple meetings with the Planning Commission discussing the possible land use alternatives.

February 29, 2012 - Second North Highline open house: Three land use alternatives were presented.

- Originally this parcel was the only RM-18 zoned parcel on the east side of 26th Avenue South.
- It appears there is a stream located near or on the property line. Assessor records contain a picture of the stream.
- This specific property was identified early on as a question on whether the entire strip of properties on the east side of 26th Avenue South should be either all single-family or changed to all RM-18.
- Based on the neighborhood node concept three different alternatives were prepared for the entire North Burien area. Alternatives 1 and 3 kept the RM-18 zoning and Alternative 2 proposed the change to RS-7,200. Alternative 2 was selected as the preferred alternative (by consensus of the PC on December 13, 2011). The concept of compact walkable centers was the primary driver for land use designations in the Boulevard Park corridor (See Boulevard Park Zoning Changes Chart Introduction).
- The charts accompanying the maps contained one comment specific to this property denoted as B.6 on the map "The parcel contains a SFR."

March 13, 2012 - Planning Commission Public Hearing on land use changes. By a vote of 5-0, the Planning Commission recommended land use designation changes to the City Council.

November 5, 2012 - City Council meeting on comprehensive plan package

November 19, 2012 - City Council meeting regarding comprehensive plan package

November 28, 2012 - According to King County Assessor Records, Anna Knowlden and Rick Friel purchased the property.

January 7, 2013 City Council meeting to consider the North Burien comprehensive plan package.

January 10, 2013 – At the request of the City Council, individualized public hearing notices were sent to each property owner where the zoning was proposed for a change. The letter included a PIN (Assessors Parcel Identification Number), and what the current zoning is and what was being proposed. Notice for this property to the attention of John Tamburelli was sent to the address of the property.

January 28, 2013 - City Council conducted a public hearing on the North Burien Comprehensive Plan and zoning package receiving comments on text and proposed land use changes.

March 18, 2013 - City Council meeting regarding the North Burien comprehensive plan package.

April 1, 2013 - City Council adopted Ordinance 573 amending the comprehensive plan and zoning maps changing the zoning from RM-18 to RS-7,200 for the subject parcel.

This is only a review of the criteria for a comprehensive plan land use designation and zoning change. References to general development standards are appropriate, however review of a development proposal will occur at a later date where specific details of site design features and project components will receive a more detailed review.

REVIEW CRITERIA FOR COMPREHENSIVE PLAN MAP AMENDMENT

Burien Municipal Code section 19.65.095.6 contains criteria for review of a proposed Comprehensive Plan amendment. To be approved, the proposed amendment must meet all of the following criteria (in bold, followed by staff response).

A. The proposed amendment is the best means for meeting an identified public benefit.

The applicant states that the public benefits by having more RM-18 zoned land available for moderate to middle-income households in an established multi-family neighborhood. Staff would agree that if approved, the rezoning from single-family residential to multi-family will enable the City to maintain sufficient housing capacity to accommodate future growth. It should however be noted that there is only one parcel that has been developed in this area in 1980 and the proposed use as multi-family would be inconsistent with the adjacent properties on the same side (east) of South 126th Street.

B. *The proposed amendment is consistent with the Growth Management Act, applicable Puget Sound Regional Council (PSRC) Plans, King County Countywide Planning Policies and Burien Comprehensive Plan.*

The applicant has stated the proposed change is consistent with the documents listed above in that it ensures availability of multi-family zoned land to accommodate future growth.

The proposed amendment is not consistent with Burien's comprehensive plan in that it does not meet the land use designation criteria for Moderate Density Multi-Family Neighborhood (Policy RE 1.8). Please see below for an analysis of the criteria contained in Policy RE 1.8

C. *The proposed amendment will result in a net benefit to the community.*

The applicant has stated new multi-family housing will benefit the people and businesses in the Boulevard Park commercial center.

While this may be partially true, residents would be far removed from the center and would have to walk up a steep hill over a half mile away from the subject property to access the commercial center. The commercial node concept encourages compact growth within a comfortable walking distance from goods and services to minimize use of automobiles. Additionally the site is located adjacent to a highway that generates noise impacting the site and potential future residents.

D. *The revised Comprehensive Plan will be internally consistent.*

The proposed amendment will create an internal inconsistency in the Comprehensive Plan in that it is inconsistent with the Moderate Density Multi-family Neighborhood land use designation criteria (please see section I below).

E. *The capability of the land can support the projected land use.*

The applicant did not indicate if there were immediate plans to develop the property. The parcel is somewhat constrained by the presence of an unmapped stream/drainage course located at the north property line. The water feature is currently unclassified and should development occur a critical area study will be required to determine its classification and apply the appropriate buffer. The parcel also contains some slopes on the western side immediately adjacent to 26th Avenue South. The road is approximately 20-feet above where the slope begins to level off. Lastly, traffic noise from the presence of State Route 599 does impact the site.

While these site characteristics pose potentially difficult development challenges, they would not preclude future development of either multi or single family units.

F. Adequate public facility capacity to support the projected land use exists or, can be provided by the property owner(s) requesting the amendment, or can be cost-effectively provided by the City or other public agency.

The applicant has not provided the City with certificates of sewer, water or hydrant availability, however all adjacent buildings are being served by “public” water and sewer service. When a future site specific building permit applicant is filed the applicant will be required to demonstrate that adequate public utilities are available.

G. The proposed amendment will be compatible with nearby uses.

The proposed amendment would change the land use and designations back to multi-family residential designation that was in effect prior to 2012. If the property is developed at maximum density the site could contain up to 29 units. If developed as single-family the site could accommodate approximately 9 lots depending on the design of access roads, stormwater facilities and the presence of critical area buffers(stream), which would likely reduce the total unit count. In either scenario, future development would be impacted by the presence of State Highway 599 located to the east.

Properties immediately to the north and south of the subject site are designated Moderate Density Single-Family Neighborhood and are developed with single-family homes. To the west of the site is a 150 unit multi-family residential development located on an 11.16 acre parcel with a calculated density of 13 units per acre.

Basic Development Regulations for Apartment Developments are as follows. The most notable differences in the development standards is that buildings are allowed to potentially exceed 60-feet in height if the building is set further back from property lines.

RM-18 Multi-Family Development Standard Chart

	RM-18
Maximum Units per acre	18
Front setback	10-feet
Interior setback	5-feet
Building coverage	60%
Impervious surface coverage	85%
Height	35-feet (approximately 3 stories)
Parking	1.8 per unit

H. The proposed amendment would not prevent the City from achieving its Growth Management Act population and employment targets.

As reported in the 2014 King County Buildable Lands Report, Burien is responsible to plan for a 2035 employment target of 8,780. Under current zoning, Burien has an employment capacity of 8,848 (Comprehensive Plan Table 2-LU 2.1). Consequently, the proposed amendment allowing the potential to develop additional housing units in this location will not prevent the City from achieving its Growth Management Act population and employment targets and will contribute more towards achieving the City's population targets and maintaining sufficient residential housing capacity.

I. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:

- i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate; or,***
- ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.***

Applicable Designation Criteria

The applicable designation criteria for the Moderate Density Multi-family Neighborhood land use designation is found in Policy RE 1.8 of the Comprehensive Plan.

In addition to listing the applicable designation criteria, this policy states that that ***"The Moderate Density Multi-family Neighborhood designation allows multiple-family residential uses at a maximum density of 18-24 units per net acre. Accessory and non-residential uses that are compatible with a moderate density multi-family area also may be allowed, including offices in a mixed use development. This designation is implemented by the RM-18 and RM-24 zoning category."***

Policy RE 1.8 lists the criteria for designating **Moderate Density Multi-family Neighborhood**, which is shown below followed by Staff's analysis.

1. The area is already primarily characterized by multi-family residential development at 12-24 dwelling units per acre or more.

There is only one multi-family development in the immediate area, the remainder is developed with single-family residences. The River Heights apartment development is located across 26th Avenue South and is located on a 11.16 acre site. The complex contains 150 dwelling units and maintains a density of approximately 13 dwelling units per acre. The parcels to the north and south are developed with single-family homes.

- 2. The area is within 1/8 mile of moderate and high commercial service node (as shown on Figure 2 LU-3, Commercial Nodes) as measured along an arterial. The designation is also appropriate within the urban center boundary or within 1/8 mile of the urban center boundary as measured along an arterial.**

The nearest commercial node is located at the intersection of DesMoines Memorial Drive South and South 116th Street. The subject parcel is located approximately 2,100 feet or 4/10^{ths} of the mile from the nearest commercial node, which is further than the 1/8 mile (660 feet) standard (See Attachment 3, Figure 2 LU-3, Commercial Nodes).

The criteria has not been satisfied.

- 3. The area is located within ¼ mile of a transit route with peak transit frequency of at least every 10-20 minutes.**

There are three bus routes within the vicinity of the subject parcel. The first two routes are located on DesMoines Memorial Drive South (routes 128 & 132) and is approximately ½ mile from the site.

The third, route 124, is located on Tukwila International Boulevard on the east side of State Route 599 and the nearest bus stop is approximately ¾ of a mile from the subject site.

There are no transit routes located within a ¼ mile of the subject property.

- 4. The area does not have critical areas, except critical aquifer recharge areas.**

The critical area maps shows there are landslide hazard areas located to the west and across 126th Street South. The critical area map also indicates there is an unclassified stream located on the north property line.

- 5. The area is located adjacent to or has adequate access to a primary or minor arterial**

The parcel is in very close proximity to South 116th Way, which is classified as a minor Arterial (Figure 2 TR 2.3).

- 6. The area is served by adequate and/or planned recreational facilities such as athletic fields or playgrounds.**

The subject parcel is approximately 1 mile from Hilltop Park and 0.75 miles from Hilltop School. There are bicycle paths that follow the Duwamish River that are approximately 0.5 miles from the site.

Criteria ii, Inappropriate Designation:

The land use designation change that occurred in 2012 was the result of a nearly year long public process to evaluate changes to the North Burien land use designations. The process was initiated to align the land use designations with Burien following the annexation of the area from King County in 2010. Multiple community meetings were conducted in the neighborhoods to receive input on desired land uses. Following those meeting three land use alternatives were formulated, each having unique characteristics with varying degrees of land use intensity. A preferred alternative was then selected after which there were public meetings and hearings to ultimately decide the final comprehensive plan and zoning designations.

Comprehensive Plan Map Land Use Designation Change Conclusions

The applicant has not demonstrated that the subject parcel is consistent with all the land use designation criteria found in comprehensive plan policy RE 1.8 therefore, the requested land use designation change from Moderate Density Residential Neighborhood to Moderate Density Multi-Family Neighborhood should not be approved.

REVIEW CRITERIA FOR A REZONE

The City of Burien Zoning Code (BMC 19.65.090.3.C) contains the criteria for review of a proposed rezone. To be approved, the proposed rezone must meet ***all*** of the following criteria.

1. The rezone is consistent with the Comprehensive Plan.

A change of the current (single-family) zoning designation to Residential Multi-family 18 is not consistent with the accompanying Comprehensive Plan because it does not meet the land use designation criteria of Policy RE 1.8, Moderate Density Multi-family Neighborhood.

2. The rezone will advance the public health, safety or welfare.

Due to the adjacency of the parcel to State Route 599, allowing the potential for increased population at this location is not desirable and would not advance the public health, safety or welfare.

3. The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas.

Specific impacts of the project will identified and reviewed as part of the formal land use and building permit application process once details of a possible development proposal are known. At this time no significant adverse environmental impacts were identified.

- 4. *The rezone is necessary because at least one of the following is met: a) Conditions in the immediate vicinity or neighborhood have changed so that it is in the public interest to approve the rezone; or b) the rezone will correct a zone classification or zone boundary that was inappropriate when established; or c) The rezone is necessary to achieve consistency with the Comprehensive Plan land use map.***

Conditions in the immediate vicinity and neighborhood have not changes since the parcel was zoned to single-family. As discussed above in Criteria ii, the zoning designation that was applied in 2013 was based on a thoughtful and thorough public process and therefore the existing land use designation was appropriate when applied.

Zoning Plan Map Land Use Designation Change Conclusions

Following a review of the applicable zoning designation change criteria the requested zoning change has not demonstrated that all of the applicable criteria have been met, therefore the requested rezone should not be granted.

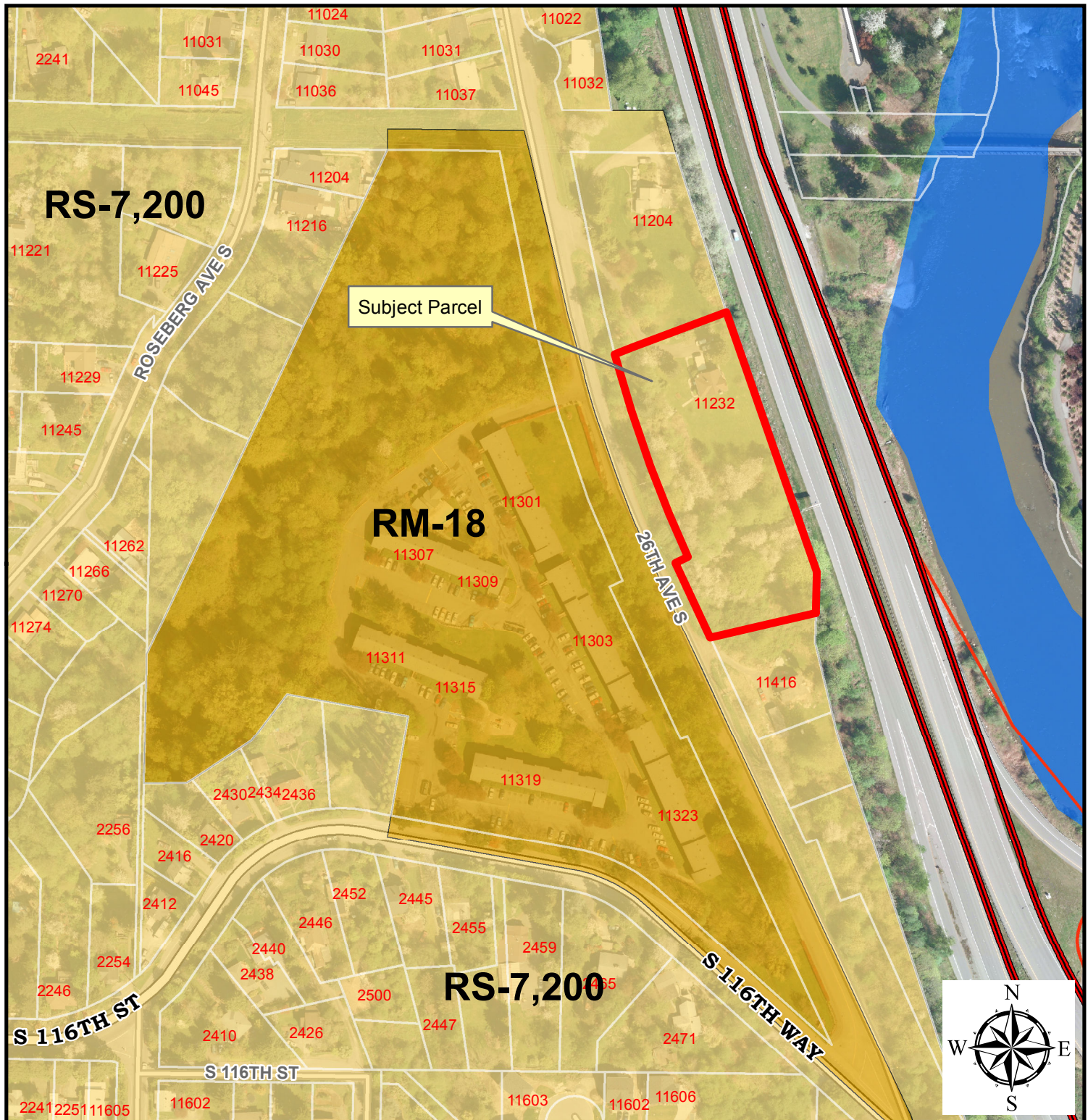
ATTACHMENTS

- 1 - Vicinity Map
- 2 - Submitted Application Materials
- 3 - Figure 2 LU-3, Commercial Nodes
- 4 - Public Comments

Friel Comprehensive Plan and Zoning Map Amendment Request File No. PLA 15-0430



Vicinity Map



February 03, 2015

Reinstate Prior Zoning Request

OWNERS:	Anna and Rick Friel
ADDRESS:	11232 26th Ave S, Burien WA
SITE AREA:	1.65 Acres
CURRENT ZONE:	RS-7200
REINSTATE PRIOR ZONE REQUESTED:	RM-18

RECEIVED
MAR 19 2015
Final Submitted
CITY OF BURIED

Comprehensive Plan Amendment Criteria

BMC 19.65.095.6 Criteria. The City Council may approve or approve with modifications a Comprehensive Plan amendment if all of the following criteria are met:

A. The proposed amendment is the best means for meeting an identified public benefit.

RESPONSE: Multi-family zoning is already an established and a successfully functioning use as seen with Veranda Green; a 150 unit apartment complex that sits on 11+ acre site across the street to the west. The public benefits by having RM-18 zoning available for added moderate to middle-income housing in already established multi-family neighborhoods, as is the case with this property.

B. The proposed amendment is consistent with the Growth Management Act, applicable Puget Sound Regional Council (PSRC) plans, King County Countywide Planning Policies and Burien Comprehensive Plan.

RESPONSE: The property had been zone multi-family for 20+ years previously. Yes the proposed amendment is consistent with the overall intent of the related goals and policies of Burien's Comprehensive Plan, GMA, PSRC, and KCCPP, addition to, ensuring the availability of multi-family zoned land for housing for future growth.

C. The proposed amendment will result in a net benefit to the community

RESPONSE: RM-18 zoning would give the option to develop multi-family housing which will benefit both the people and the businesses in the Boulevard Park Commercial Centers (nodes) and the general Burien community.

D. The revised Comprehensive Plan will be internally consistent.

RESPONSE: As stated above, the revision request will be consistent with the multi-family apartment complex across the street west and property location near both the Boulevard Park Commercial Centers (nodes) and transit.

E. The capability of the land can support the projected land use

RESPONSE: Yes. The 1.65 acre property had been zoned for multi-family use over 20 years by King County.

F. Adequate public facility capacity to support the projected land use exists, or, can be provided by the property owner(s) requesting the amendment, or, can be cost-effectively provided by the City or other public agency

RESPONSE: Adequate public facility capacity does indeed exist to support the requested amendment. The property is located within ¼ mile of transit routes #132 with frequent stops about every 20 minutes. As well as, the businesses in the Boulevard Park Commercial Centers (nodes), Rainier Golf and Country Club, Boulevard Park Library, Hilltop Park and both the Green River Trail and Cecil Moses Memorial Park (in Tukwila).

G. The proposed amendment will be compatible with nearby uses.

RESPONSE: As discussed previously above, it would be identical in zoning use to the apartment complex that adjacent the length of the property, across the street west.

H. The proposed amendment would not prevent the City from achieving its Growth Management Act population and employment targets.

RESPONSE: Correct. It would not prevent. It would ensure there is sufficient land capacity zoned for multi-family to accommodate future growth as required by Growth Management Act. It meets the demands of a growing urban city.

I. For a Comprehensive Plan land use map change, the applicable designation criteria for the proposed land use designation are met and either of the following is met:

- i. Conditions have changed since the property was given its present Comprehensive Plan designation so that the current designation is no longer appropriate; or,
- ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.

RESPONSE: The property had been zoned multi-family since at least 1993. Given that the site is dominated by an 11+ acre apartment complex and SR-599, as well as its location near the Boulevard Park Commercial Centers and transit, the 1.65 acre property was inappropriately down-zoned in 2013 as single-family.

SITE SPECIFIC REZONES

BMC 19.65.090.3.C The City may grant a site-specific rezone only if all of the following criteria are met:

A. The rezone is consistent with the Comprehensive Plan.

RESPONSE: The proposed rezone to RM-18 multi-family would be consistent with the Comprehensive Plan.

B. The rezone will advance the public health, safety, or welfare

RESPONSE: The rezone would ensure the availability of multi-family zoned land to meet City's goals and objectives for future growth. Private underutilized large lots have no benefit to the public in a growing urban city. The proposed rezone would correct its zoning use to be beneficial to the community.

C. The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas.

RESPONSE: No adverse environmental impacts. The stormwater that flows north on property line is not a fish/salmon run. Additionally, Burien has set-back construction restrictions when a site is near a stream, which would not alter the proposed property rezone.

D. The rezone is necessary because at least one of the following is met:

1. Conditions in the immediate vicinity or neighborhood have changed so that it is in the public interest to approve the rezone, or

2. The rezone will correct a zone classification or zone boundary that was inappropriate when established, or

3. The rezone is necessary to achieve consistency with the Comprehensive Plan land use map.

RESPONSE: As previously stated above in *Comprehensive Plan Amendment Criteria (I.)*, The rezone will correct a zone classification and zone boundary that was inappropriate when down-zoned in 2013. Property had been zoned multi-family for over 20 years. Given that the site is dominated by an 11+ acre apartment complex and SR-599, as well as its location near the Boulevard Park Commercial Centers and transit, the 1.65 acre property is inappropriately zoned as single-family.

BACKGROUND

In August of 2014, property owners Anna and Rick Friel of 11232 26th Ave S Burien 98168, discovered that in 2013, the City of Burien designated an unrequested downzone on their 1.65 acre site from RM-18 (Multi-Family) to RS-7200 (Residential Single-Family).

Prior to the downzone in 2013, the 1.65 acre site had been zoned RM-18 since 1995 (under King County's Proposed Ordinance 94-737, which adopted new zoning to implement the 1994 Comprehensive Plan and Title 21A). Addition to, the property also had a previous zoning of RM-2400 since 1993. King County has no previous zoning records dating past 1993 for this site.

Email from King County Records Department regarding zoning history on the site:

From: "DPER, Records Mailbox" <dperrecords@kingcounty.gov>

Subject: DPER Research Request

Date: August 22, 2014 at 2:58:00 PM PDT

To: Anna Friel <mrsannafriel@gmail.com>

Good afternoon:

I received the following information regarding zoning history for parcel no. 092304-9048, and for further historical research please visit

<http://www.kingcounty.gov/operations/archives/environmentalhistory/zoning.aspx#1BF55BBF852D487F925F4E6A302A5A91>

In 1993 the parcel was zoned RM-2400. In February 1995, as part of the Title 21 A zoning conversion the parcel was zoned R-18. This is considered a direct conversion that did not involve substantive change.

Thank you.

Erika

Records

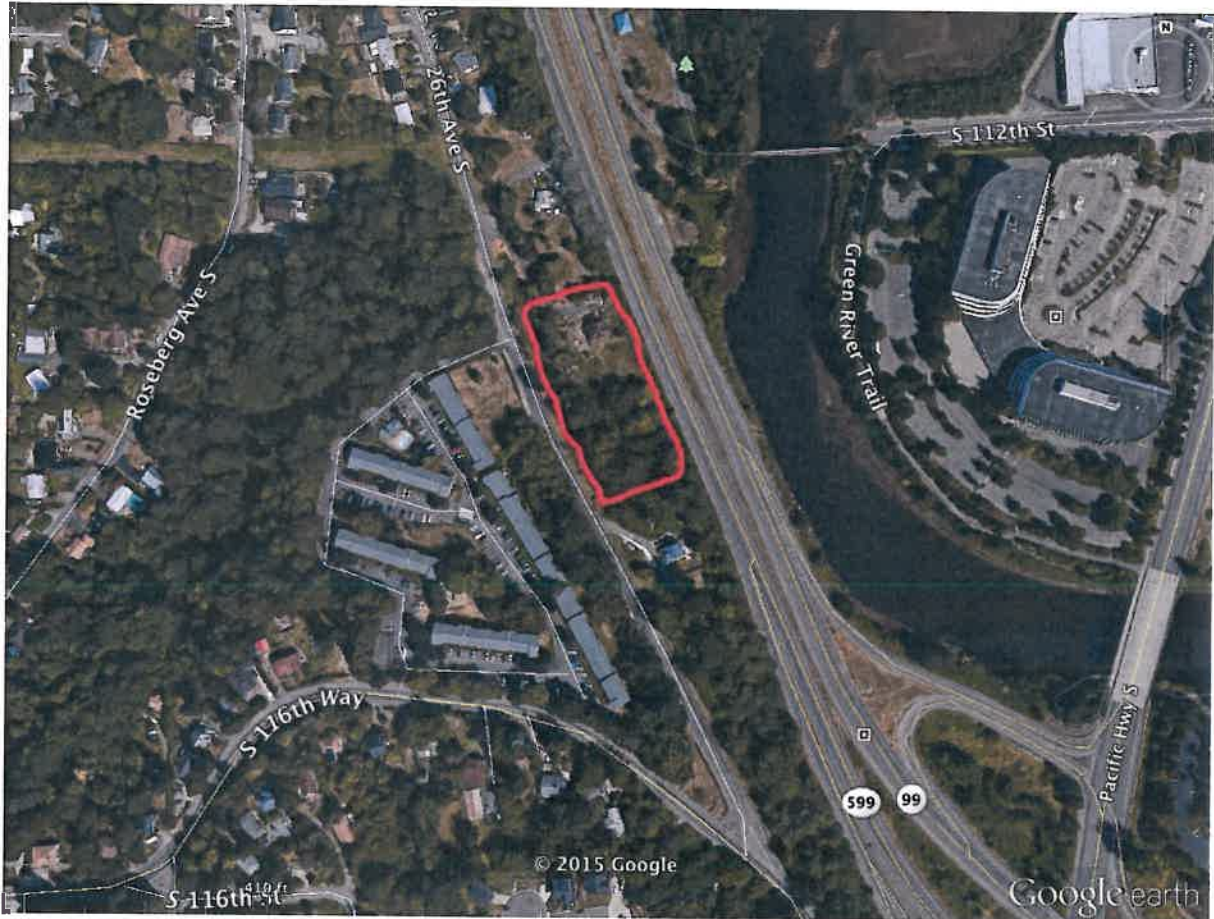
Department of Permitting and Environmental Review

35030 SE Douglas St., Suite 210

Snoqualmie, WA 98065-9266

DPERrecords@kingcounty.gov

The site is adjacent to SR 599 (10ft from property line east), a 150+ unit apartment complex that sits on 11+ acres (across the street west), single-family residence (1+ acre north) and a single-family residence (1+ acre south). **Only these four lots characterize the 1/3 mile span (equal to about 3 city blocks) from where 26th Ave S begins from 116th Way to the greenbelt / neighborhood area on 26th Ave S.**



REINSTATE REZONE REQUEST

According to the Growth Management Act (GMA), during the time the plan is open, citizens are allowed to request changes/amendments to the Plan, if there is reasonable cause for their request. Also, if a Planning Commission member or City Council member sponsors a request for a change/amendment to the Plan, the amendment can be brought forth without the citizen (s) having to pay a filing fee for the amendment to be put on the docket.

We (Anna and Rick Friel) are requesting a change/amendment to the Land Use Map for the reinstatement of our property's prior zoning RM-18 and to be placed on the docket by the Council for 2015 in consideration as "special planning area".

On the basis that;

1. We were never sent any notice prior to the zoning change to dispute before the amendment was passed.
2. Conflicting Land Use Map between our property and a similar property zoned for multi-family.
3. Our property resides next to an 11+ acre multi-family apartment complex and the freeway.
4. We haven't obtained a plausible reason from the City for the downzone to our site.

A. "Property hasn't been used as multi-family for 20+ years"

RESPONSE:

The property had one owner during the 20 years, until the property was sold to us in 2012.

B. "Property is not walking distance to the Neighborhood Commercial Center areas."

RESPONSE:

This is conflicting on three parts; one being, the property is walking distance (I know this because I walk there during the summer months). Secondly, a different SFR property located at 12010 26th Ave S* is zoned RM-12 (multi-family) and is not walking distance to the Neighborhood Commercial Center areas. Thirdly, according to Goal BU.1 / Pol. BU.1.7, which refers to the Boulevard Park Commercial Center, states that customers would likely access these establishments by automobile or by transit (not by walking). See below/next page:

Business

Goal BU.1

Provide a broad range of attractive and strategically located business activity centers/nodes that serve as focal points for employment, commerce and culture for their adjacent residential neighborhoods and the greater Burien area. The scale and intensity of uses at these locations shall be compatible with Burien's vision.

Pol. BU 1.7 The Community Commercial designation recognizes the business orientation of some of the principal arterials, including Ambaum Boulevard Southwest, Boulevard Park and the Five Corners area. The designation allows moderate intensity commercial uses that serve the community. Customers would likely access these establishments by automobile or by transit. The range of allowed uses includes moderate intensity retail activities, professional offices, restaurants, entertainment, and services. Multifamily development in these areas may only be approved as part of a mixed use development with the appropriate unit density being based on the intensity of adjacent comprehensive plan land use designations. Business uses should be located on the ground floor.

Pol. BU 1.4 The Intersection Commercial designation allows for a variety of commercial uses of low to moderate density or intensity, located at major roadway intersections in close proximity to higher density uses, such as multifamily developments. Multifamily development in these areas may only be approved as part of a mixed use development with the appropriate unit density being based on the adjacent comprehensive plan land use designations. Customers are anticipated to either drive or walk to these establishments.

Additionally, in the most recent 2014 Comprehensive Plan Policy it states that the City should encourage multi-family residential uses not only within, but **near** designated commercial nodes. Which defines our property's location to the Boulevard Park commercial nodes.

2.4 HOUSING ELEMENT

Goal HS.1

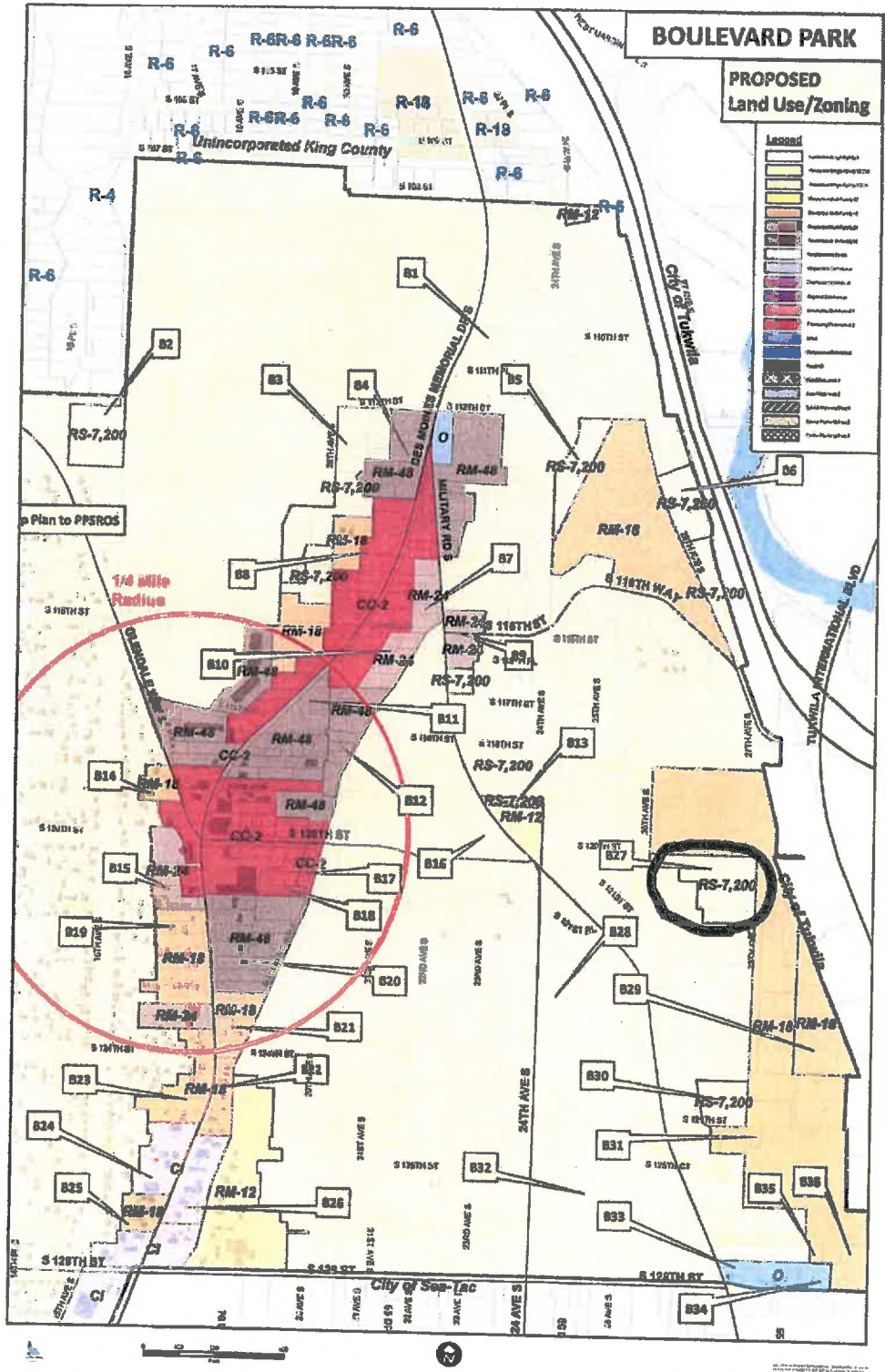
Encourage the provision of a variety of attractive, well-designed housing types and densities that reinforce and retain the character of the neighborhoods and meet the needs of existing and future City residents, while recognizing the need for a range of affordable housing.

Pol. HS 1.3 The City should encourage multi-family residential uses **near** and within designated commercial nodes and within its urban center, subject to development standards and design guidelines.

*I've also attached the Proposed Land Use/ Zoning Map of Boulevard Park from 2013. These documents show that the property located at 12010 26th Ave S (B.27) was designated to be zoned RS-7200 (single-family) to maintain its single-family residential neighborhood character in addition to the walking distance to the commercial centers.

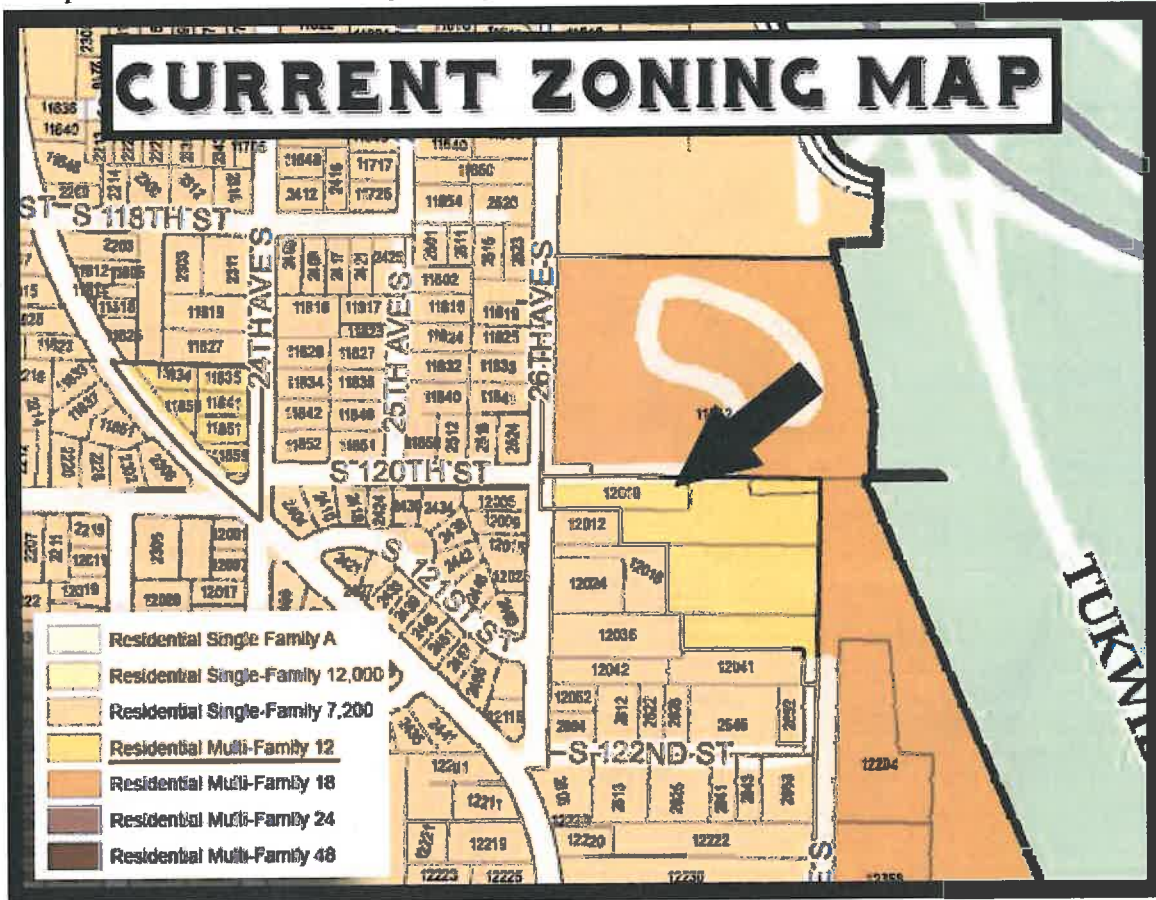
B.24	O to CI	Changes zoning of one office-zoned parcel to Intersection Commercial, which is similar to other adjacent parcels along Des Moines Memorial Drive South. The change to CI ensures that development scale and use compliment and support the surrounding residential neighborhood near this more prominent intersection.
B.25	RM-12 to RM-18 (or CI)	A slight increase in density, and matches an adjacent zoning designation.
B.26	RM-12 to CI	The change fills in a gap in the commercial zone along a busy traffic corridor. See B.24 for rational for change to CI.
B.27	RM-12 to RS-7,200	<u>Maintains the single-family residential character found to the south and west of the area. Reinforces the practice of locating multi-family development within walking distance of neighborhood commercial centers.</u>
B.28	Comprehensive Plan Map Change	Change Comprehensive Plan Map from Moderate Density Residential Neighborhood to Public Parks/Schools and Open Space. All schools currently have this designation.
B.29	CR to RM-18	Matches zoning designation to the remainder of the parcel, which contains a multi-family development. This zoning line bisects a property; however, it appears to recognize there may be potential development that would be compatible with development at the base of the slope (in Tukwila and zoned C LI).
B.30	RM-12 to RS-7,200	Parcel is vacant. Reinforces the practice of locating multi-family development within walking distance of neighborhood commercial centers.
B.31	RS-7,200 to RM-18	Removes a spot zone.
B.32	Comprehensive Plan Map Change	Change Comprehensive Plan Map from Moderate Density Residential Neighborhood to Public Parks/Schools and Open Space. All parks have this designation.
B.33	RM-12 to O	Eliminates a spot zone and matches zoning of adjacent properties. It recognizes the location of the hospital across the street. Parcel is currently vacant.
B.34	RM-48 to O	Eliminates a spot zone and matches zoning of adjacent properties. It recognizes the location of the hospital across the street.
B.35	RM-12 to RM-18	Removes a single parcel zoning situation on a parcel that contains a single-family residence.
B.36	RM-24 to RM-18	Removes a single zone for a parcel on a property that contains a church. Religious facilities are an allowed use in the RM-18 zone.

Proposed Land Use/Zoning



THIS IS THE
PROPOSED
LAND USE/
ZONING MAP
OF BOULEVARD
PARK FROM
2013
BEFORE
AMENDMENT.

CIRCLED IN
BLACK (B27) IS
THE PROPERTY
LOCATED AT
12010 26TH AVE
S, SHOWING AS
RS-7200 WHICH
WAS THE PROPOSED
ZONING FOR
THIS AREA
DUE TO
CHARACTER OF
RESIDENTAL
NEIGHBOR-
HOOD AND
WALKING
DISTANCE TO
COMMERCIAL
CENTERS.



A continued example of the SFR property.

12010 25th Ave S
 Seattle, WA 98168
 Status: Active

\$789,250
 Price

2
 Beds

1
 Baths

1,730 Sq. Ft.
 \$452 / Sq. Ft.

Built: 1936 Lot Size: 1.87 Acres Cumulative: 221 days On Redfin: 72 days

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2 of 5

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BUILDER/INVESTOR ALERT! 2 tax lots currently zoned Burien RM-12, front lot with existing 2 br/1 ba home rented MTM for \$1628. Combined lots provide a total of 81,341 sq. ft. (1.87 acres) of property. Keep the current tenants until your plat/permits are approved! Preliminary plat design for a community of 16 homes, filed with King Co. back in 2008. Revive the plans or create your own vision, similar to the apartment complex across the street. Buyer to verify all information.

Property Type: Residential

Style: 1 Story with Basement

View: Mountain, Tree, Water

Construction: Brick, Concrete

Map Satellite

Google Maps Data Terms of Use Report a map error

[Expand Map](#) [Street View](#) [Directions](#)

Please don't post a profile pic about this home.

CURRENT COMMERCIAL CENTERS

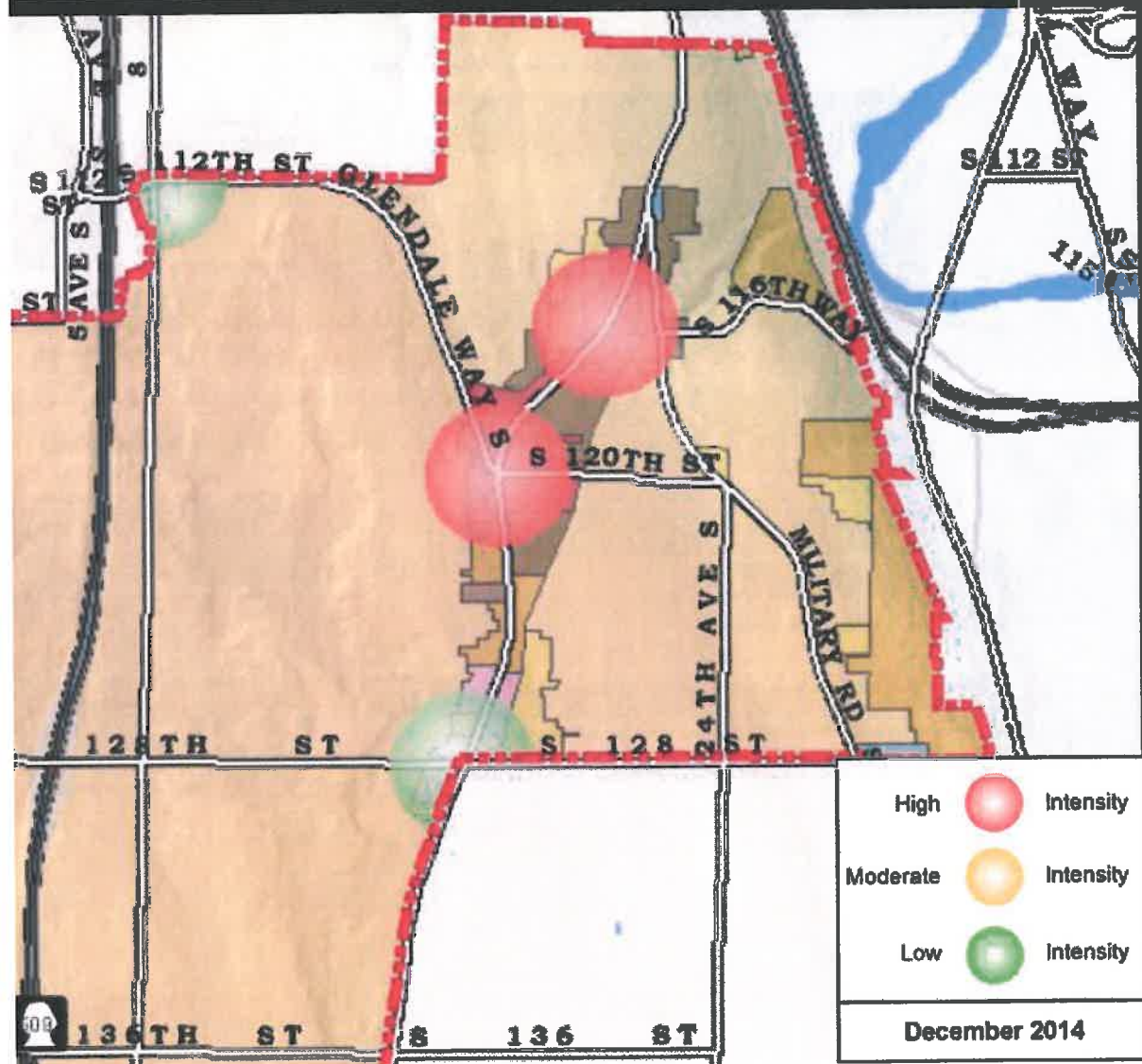
The map displays the Glendale area with various streets and commercial centers. The streets shown include S 112TH ST, S 116TH WAY, S 120TH ST, S 128TH ST, S 136TH ST, S 140TH ST, S 144TH ST, S 148TH ST, S 152TH ST, S 156TH ST, S 160TH ST, S 164TH ST, S 168TH ST, S 172TH ST, S 176TH ST, S 180TH ST, S 184TH ST, S 188TH ST, S 192TH ST, S 196TH ST, S 200TH ST, S 204TH ST, S 208TH ST, S 212TH ST, S 216TH ST, S 220TH ST, S 224TH ST, S 228TH ST, S 232TH ST, S 236TH ST, S 240TH ST, S 244TH ST, S 248TH ST, S 252TH ST, S 256TH ST, S 260TH ST, S 264TH ST, S 268TH ST, S 272TH ST, S 276TH ST, S 280TH ST, S 284TH ST, S 288TH ST, S 292TH ST, S 296TH ST, S 300TH ST, S 304TH ST, S 308TH ST, S 312TH ST, S 316TH ST, S 320TH ST, S 324TH ST, S 328TH ST, S 332TH ST, S 336TH ST, S 340TH ST, S 344TH ST, S 348TH ST, S 352TH ST, S 356TH ST, S 360TH ST, S 364TH ST, S 368TH ST, S 372TH ST, S 376TH ST, S 380TH ST, S 384TH ST, S 388TH ST, S 392TH ST, S 396TH ST, S 400TH ST, S 404TH ST, S 408TH ST, S 412TH ST, S 416TH ST, S 420TH ST, S 424TH ST, S 428TH ST, S 432TH ST, S 436TH ST, S 440TH ST, S 444TH ST, S 448TH ST, S 452TH ST, S 456TH ST, S 460TH ST, S 464TH ST, S 468TH ST, S 472TH ST, S 476TH ST, S 480TH ST, S 484TH ST, S 488TH ST, S 492TH ST, S 496TH ST, S 500TH ST, S 504TH ST, S 508TH ST, S 512TH ST, S 516TH ST, S 520TH ST, S 524TH ST, S 528TH ST, S 532TH ST, S 536TH ST, S 540TH ST, S 544TH ST, S 548TH ST, S 552TH ST, S 556TH ST, S 560TH ST, S 564TH ST, S 568TH ST, S 572TH ST, S 576TH ST, S 580TH ST, S 584TH ST, S 588TH ST, S 592TH ST, S 596TH ST, S 600TH ST, S 604TH ST, S 608TH ST, S 612TH ST, S 616TH ST, S 620TH ST, S 624TH ST, S 628TH ST, S 632TH ST, S 636TH ST, S 640TH ST, S 644TH ST, S 648TH ST, S 652TH ST, S 656TH ST, S 660TH ST, S 664TH ST, S 668TH ST, S 672TH ST, S 676TH ST, S 680TH ST, S 684TH ST, S 688TH ST, S 692TH ST, S 696TH ST, S 700TH ST, S 704TH ST, S 708TH ST, S 712TH ST, S 716TH ST, S 720TH ST, S 724TH ST, S 728TH ST, S 732TH ST, S 736TH ST, S 740TH ST, S 744TH ST, S 748TH ST, S 752TH ST, S 756TH ST, S 760TH ST, S 764TH ST, S 768TH ST, S 772TH ST, S 776TH ST, S 780TH ST, S 784TH ST, S 788TH ST, S 792TH ST, S 796TH ST, S 800TH ST, S 804TH ST, S 808TH ST, S 812TH ST, S 816TH ST, S 820TH ST, S 824TH ST, S 828TH ST, S 832TH ST, S 836TH ST, S 840TH ST, S 844TH ST, S 848TH ST, S 852TH ST, S 856TH ST, S 860TH ST, S 864TH ST, S 868TH ST, S 872TH ST, S 876TH ST, S 880TH ST, S 884TH ST, S 888TH ST, S 892TH ST, S 896TH ST, S 900TH ST, S 904TH ST, S 908TH ST, S 912TH ST, S 916TH ST, S 920TH ST, S 924TH ST, S 928TH ST, S 932TH ST, S 936TH ST, S 940TH ST, S 944TH ST, S 948TH ST, S 952TH ST, S 956TH ST, S 960TH ST, S 964TH ST, S 968TH ST, S 972TH ST, S 976TH ST, S 980TH ST, S 984TH ST, S 988TH ST, S 992TH ST, S 996TH ST, S 1000TH ST. The map also shows the Glendale River and the Glendale Dam. The legend indicates that red circles represent High Intensity, orange circles represent Moderate Intensity, and green circles represent Low Intensity. The date December 2014 is shown in the bottom right corner.

High Intensity

Moderate Intensity

Low Intensity

December 2014



December 2014

Additionally, the Proposed Land Use/ Zoning Map document states “parcel contains SFR” as the sole reason for **our property** (B.6) downzone. Which is inconsistent with the original reasons we were given by the City. Furthermore, the document had misrepresented our zoning to the Council when it was voted on by claiming RM-12 when in fact our zoning was RM-18.

B.5	RM-18 to RS-7,200	Matches zoning to existing uses (SFR) on land that is partially constrained by steep slopes.
➡ B.6	RM-12 to RS-7,200	The parcel contains a SFR. ?
B.7	RM-12 to RM-24	Match zoning to existing MFR uses and increase the RM-24 zone south to the geographic break (road). Adjust lines of the existing RM-24 zone to match property lines.
B.8	RM-18 to CC-2	Aligns the zoning boundary with the existing parcel lines.
B.9	RM-18 to RM-24 and RM-48 to RM-24	The properties on the north and south of South 116 th Street will now be more closely matched to existing MFR developments. Density and zoning designations on both sides of the street will now match. Existing RM-18 parcel to the south is vacant and will now match adjacent SFR zoning.
B.10	RM-12 to RM-24	Aligns the zoning designation with the parcel to the north (RM-24) and serves as a transition from the RM-48 zone to the south. Parcels are currently single-family or vacant (farm).
B.11	RM-24 to RM-48	The change places higher densities within a very comfortable walking distance of the commercial areas and the primary intersection of the neighborhood. A significant majority of the parcels are either vacant or contain single-family residences.
B.12	RM-12 to RM-48	The change places higher densities within a very comfortable walking distance of the commercial areas and the primary intersection of the neighborhood. A significant majority of the parcels are either vacant or contain single-family residences.
B.13	RM-12 to RS-7,200	Adjusts zoning boundary lines to match parcel lines.
B.14	RM-12 to RM-18	Aligns zoning boundary with existing parcel lines and slight increase in the size of the zone due to its proximity to the primary commercial intersection.
B.15	RM-12 to RM-24	The proposed change matches adjacent zoning and places higher densities near the commercial core. Topography should not be an issue if a development is designed to use hillside. Access could be difficult.
B.16	RM-12 to RS-7,200	Zoning change will now match existing development. All parcels are developed as single-family except one is a duplex. The duplex could possibly qualify as an ADU.
B.17	RM-12 to CC-2	Eliminates spot zone for existing library. Implements logical zoning boundaries for the entire block.
B.18	RM-18 to CC-2	Current zoning boundary splits a parcel.
B.19	RM-12 to RM-18	Proposed change matches adjacent zoning designation while also increasing density taking into consideration the proximity to the commercial center.
B.20	RM-12 to RM-48	The change places more units within a very comfortable walking distance of the commercial areas and the primary intersection of the neighborhood. A significant majority of the parcels are either vacant or contain single-family residences. Parcel sizes considered in zone change as well.
B.21	RM-12 to RM-18	The area serves as a transition from the higher density (RM-48) to the north. Parcels in this area are generally smaller, which is generally compatible to lower-intensity development from a site design perspective.
B.22	RM-12 to RM-18	Change implements a zone transition from a high traffic corridor to the established residential neighborhoods.
B.23	RM-12 to RM-18	A slight increase in density of four parcels and that would now match adjacent zoning designations on the same side of the street and across DMD.

We ask the City to not take away our property rights and please reinstate our zoning back to RM-18. The City's RS-7200 zoning has greatly devalued our 1.65 site. Which is a sizable amount of (now) underutilized land near the High Intensity Commercial Areas in Boulevard Park, and to mention, the City of Seattle.

The case study below shows how damaging incorrect zoning can be to city growth when not taking in consideration the surrounding areas and proximities;... airport... freeway... etc. Due to our proximity to SR 599, our property will never be used as a single family housing development. Simply because there would be no interest to develop the land as such that borders a freeway (whereas, that's not the case with multi-family development). I would think this is not in compliance with the Growth Management Act or the King County Countywide Policies for an efficient use of urban land since this is an inappropriate conversion to low-density development.

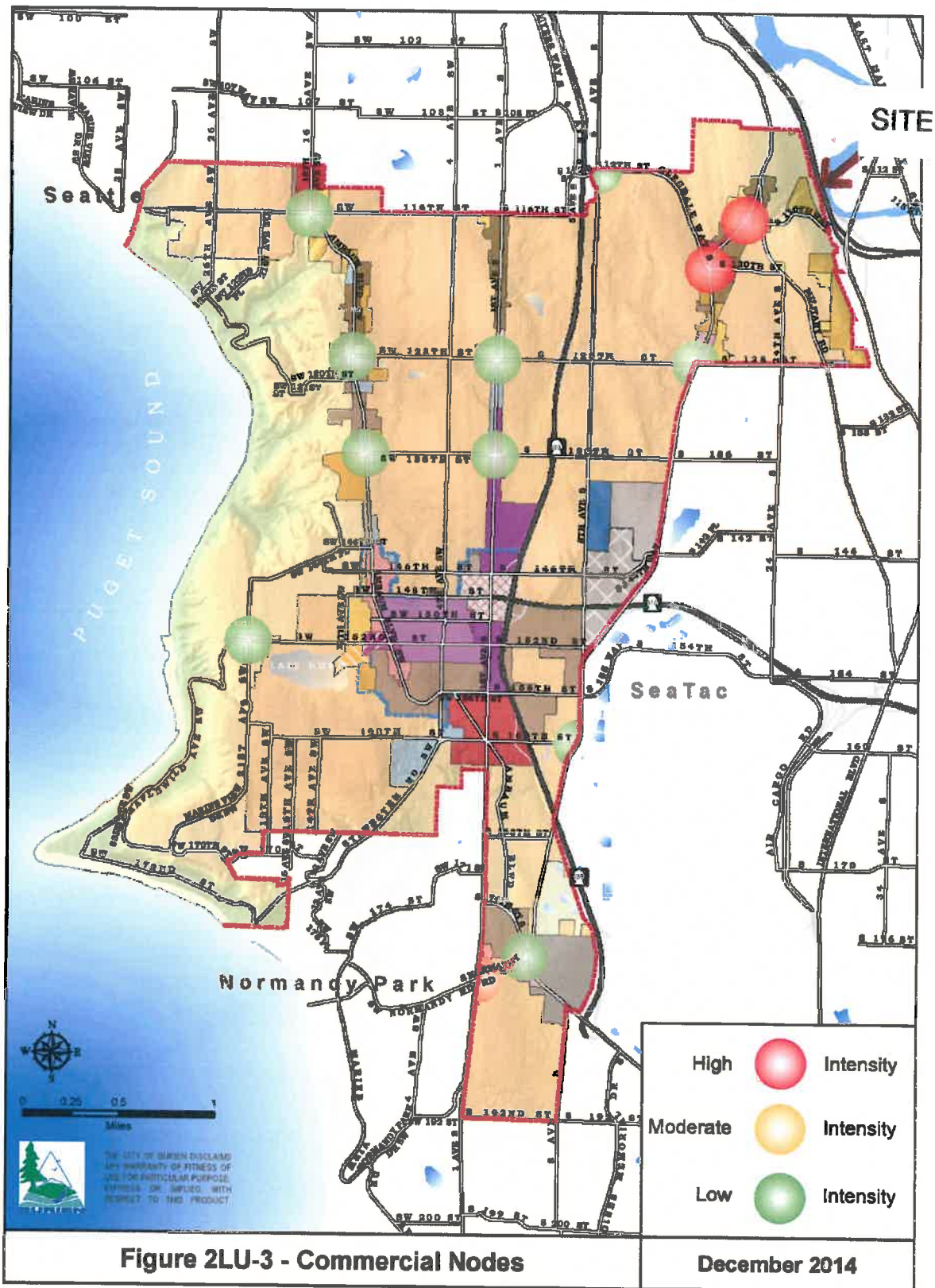
4.1.4 Planning Areas and Patterns of Growth:

As in the case of the Highline study area, multifamily housing complexes have dominated new housing growth over the last 15 years. Within Burien, multifamily housing is primarily located near the city center and the area south of Highway 518 and east of Highway 509. The lack of growth of single family development has not been due to the lack of opportunity, since substantial infill opportunity exists under county zoning. Instead, this lack of growth is due more to the adverse impact of the heavy air shadow from the airport. For example, the northeastern area of the City could accommodate several times its current number of single family units. However, because of its close proximity to the airport runways and flight path, this development potential has not been achieved.

In closure of this rezone request, I want to ask the City:

How does our RS-7200 downzone bear a reasonable and substantial relation to the public health, safety, comfort, and general welfare? How does it advance? How is it a net benefit to the community? To the 20 year or 40 year vision? To growth?

Thank you
Anna Friel



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 Last updated: 10/9/2014
 By: fernando

ATTACHMENT 3

CITY OF BURIEN, WASHINGTON

MEMORANDUM

DATE: October 2, 2015

TO: Burien Planning Commission

FROM: David Johanson, AICP
Senior Planner

SUBJECT: Public Hearing, Comprehensive Plan Miscellaneous Amendments

PURPOSE

The purpose of this agenda item is to for the Planning Commission to conduct a public hearing to receive comment on proposed miscellaneous amendments to the comprehensive plan.

BACKGROUND

The City of Burien adopted its first Comprehensive Plan in 1997 and in 2014 the City completed a major update to the plan in order for it to be consistent with updates to the Growth Management Act, regional planning and county planning documents. Based on recommendations by the Planning Commission, on April 20, 2015 the City Council passed resolution No. 363 establishing the 2015-2016 Comprehensive Plan Amendment Docket and Work Program.

PROPOSED AMENDMENTS

The following is a list of proposed amendments followed by a brief description of the item and the rational for the proposed change and/or update.

1. Update Figure TR 2.5, Primary Truck routes (docket item No. 30).

The figure is being proposed to be amended because the City has adopted Ordinance No. 598 which amended the Primary truck route map. The ordinance was adopted in March of 2014. The revised map will align the comprehensive plan with the adopted ordinance. Please see Attachment 1.

2. Update Map 2 LU-2 and Figure 2-PRO1 to include North Burien (docket item No. 3).

Some maps and figures in the current plan have not been updated to align with the city boundaries following the annexation of the North Highline area that occurred in 2010. The maps have now been updated with the revised boundaries and other pertinent information. Based on comments at your last meeting the Figure 2-LU2, Planned Land Use Intensity, has been updated. The intensity designations now generally mirror the underlying comprehensive plan and zoning land use designations. Please see Attachments 2 and 3.

3. Amend Figure 2-EV1 – Sensitive/Critical Areas Map.

Amend the map to include the map adopted along with updates the BMC 19.40, critical areas as adopted by Ordinance No. 623 in June of 2015. The primary changes include the addition of the wetland in Seahurst Park and updated stream buffers. Please see Attachment 4.

4. Amend Map LU-1 correcting a land use designations.

In 2013(note: the date has been corrected from last memo) land use designations on the comprehensive plan land use map (Map LU-1) were revised along with zoning designations in the annexation area. These map amendments were completed in concert with revisions to the land use element policies establishing designation criteria. As a part of that process a new land use designation was created. The new designation (Moderate Density Multi-Family Neighborhood) was created to establish land use designation criteria aligning with the RM-24 zone while the High Density Multi-Family Neighborhood designation was amended to set forth land use designation criteria for the RM-48 zone. The zoning maps adopted at that time accurately reflected the desired land use intensities in many areas within the City however the comprehensive plan Map LU-1 did not capture the intended changes. Specifically the new Moderate Density Multi-Family Residential Neighborhood designation was inadvertently omitted from the comprehensive plan land use map, Map LU-1.

The proposed map amendment will accurately apply the intended land use categories in the correct locations for both the Moderate Density Multi-Family Residential Neighborhood and the High Density Multi-Family Residential Neighborhood on Map LU-1. The changes will align the zoning and comprehensive plan maps. Please see Attachment 5.

5. Include a Regional Planning coordination paragraph (docket item No. 10).

The Puget Sound Regional Council staff provided a comment following the completion of Burien's required comprehensive plan update effort that concluded in 2014. In that letter PSRC staff requested that Burien's plan include a statement how Burien's plan addresses regional policies and provisions of VISION 2040. The complete comment is as follows:

VISION 2040 calls for local plans to include a context statement that describes how the plan addresses regional policies and provisions adopted in VISION 2040. Examples of context statements are provided in PSRC's Plan Review Manual, page 2-1. Staff is also available to point to examples adopted in local comprehensive plans.

To satisfy this request the following language is proposed to be included in the comprehensive plan in the Section 2.1, Introduction. Please see the amended text in Attachment 6.

6. Address Climate Change (docket item No. 10).

In a comprehensive plan amendment review comment letter the Puget Sound Regional Council (PSRC) staff requested that Burien include policy language regarding climate change into our comprehensive plan. This desire was also echoed by the City Council during previous docketing processes. The PSRC comment is as follows:

The multicounty planning policies in VISION 2040 and the strategies in Transportation 2040 call for reducing greenhouse gas emissions and adapting to impacts related to climate change. The plan could be strengthened by addressing MPPs related to climate change, such as adding provisions for developing and implementing transportation modes and technologies that are energy-efficient and improve system performance (MPP-T-6).

In February of 2015 the City Council passed Resolution No. 362 with authorizing the City Manager to sign an inter-local agreement to join the King County-Cities Climate Collaboration or K4C. K4C is an entity comprised of the King County and the participating King County cities (13 as of September 2015) for the purpose of working together to respond to climate change and to reduce global and local sources of climate pollution. K4C would focus efforts on sharing information and educating the public and

government agencies on the issue of climate change, collaborating on adopting consistent planning standards and strategies related to climate change, and securing funding and resources opportunities to support climate change related projects and programs. Attached is a Joint Letter of Commitment containing principles of collaboration and a list of joint County-City Climate Commitments (see attachment 7).

The plan currently contains numerous related climate change policy language. See attachment 8 for a compilation of topic related language.

The following policy language options are recommended for inclusion in Burien's Comprehensive Plan.

- Pol. SU 6.1** Burien should take actions to both mitigate and adapt to climate change. Actions may include maximizing energy efficiency by increasing use of renewable energy resources, supporting green building initiatives, reduce greenhouse gas emissions of city vehicles, reduce motor vehicle miles traveled by improving convenience and safety of nonpolluting transportation modes such as bicycling and walking, protect and enhance the natural landscape and vegetation, and support recycling and waste reduction.

AND/OR

- Pol. SU 6.2** Continue to partner with regional agencies such as the King County Cities Climate Collaboration, to monitor and take actions to reduce impacts of climate change.

ACTION

No formal action is necessary at this time.

Staff is requesting that the Planning Commission conduct the public hearing and receive comments on the proposed amendments to the Comprehensive Plan.

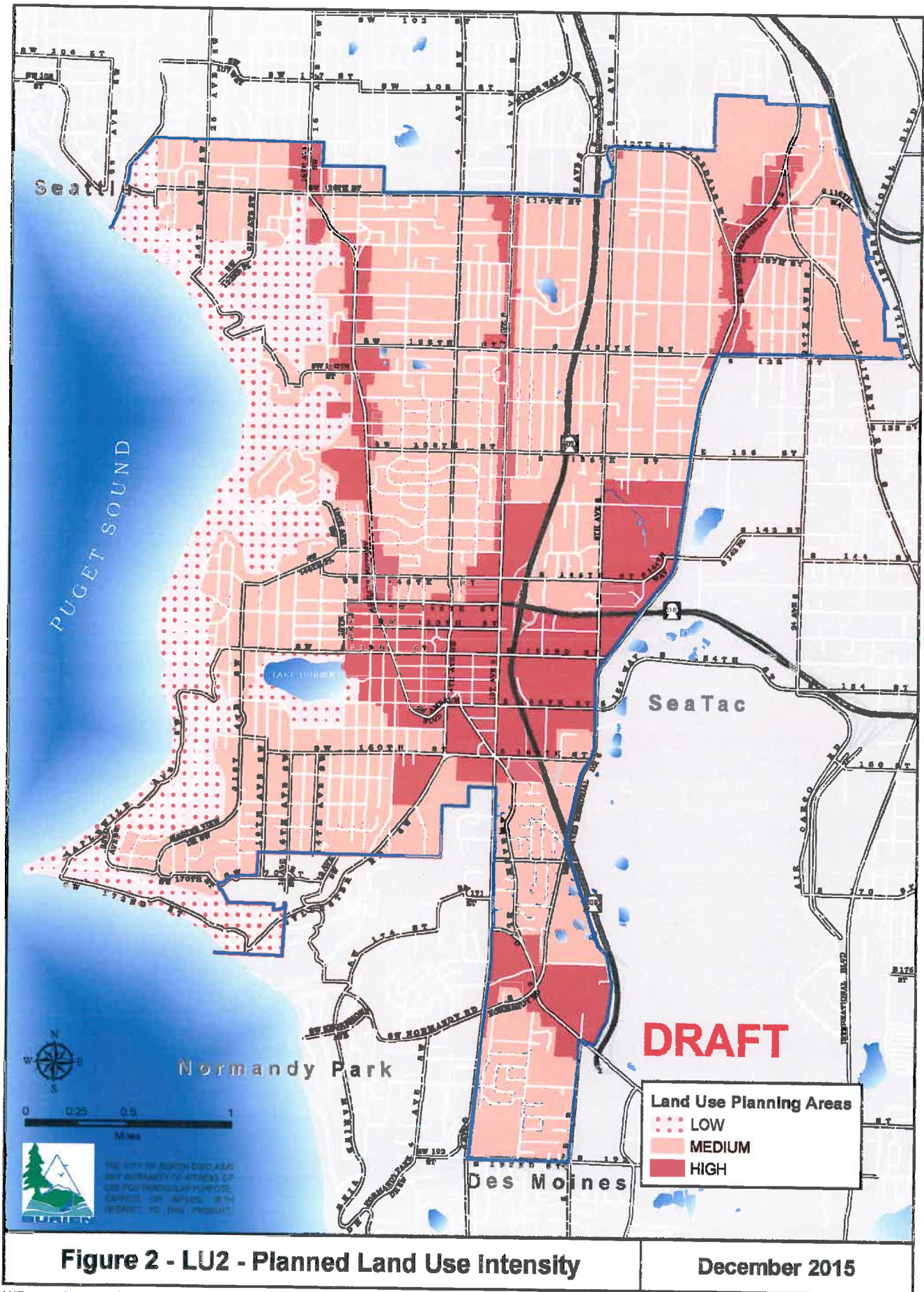
NEXT STEPS

At the next meeting we will continue discussions regarding the proposed amendments. Ultimately the Planning Commission will make a recommendation on proposed plan amendments to the City Council. We are anticipating the Commission to make your recommendation at your October 28, 2015 meeting.

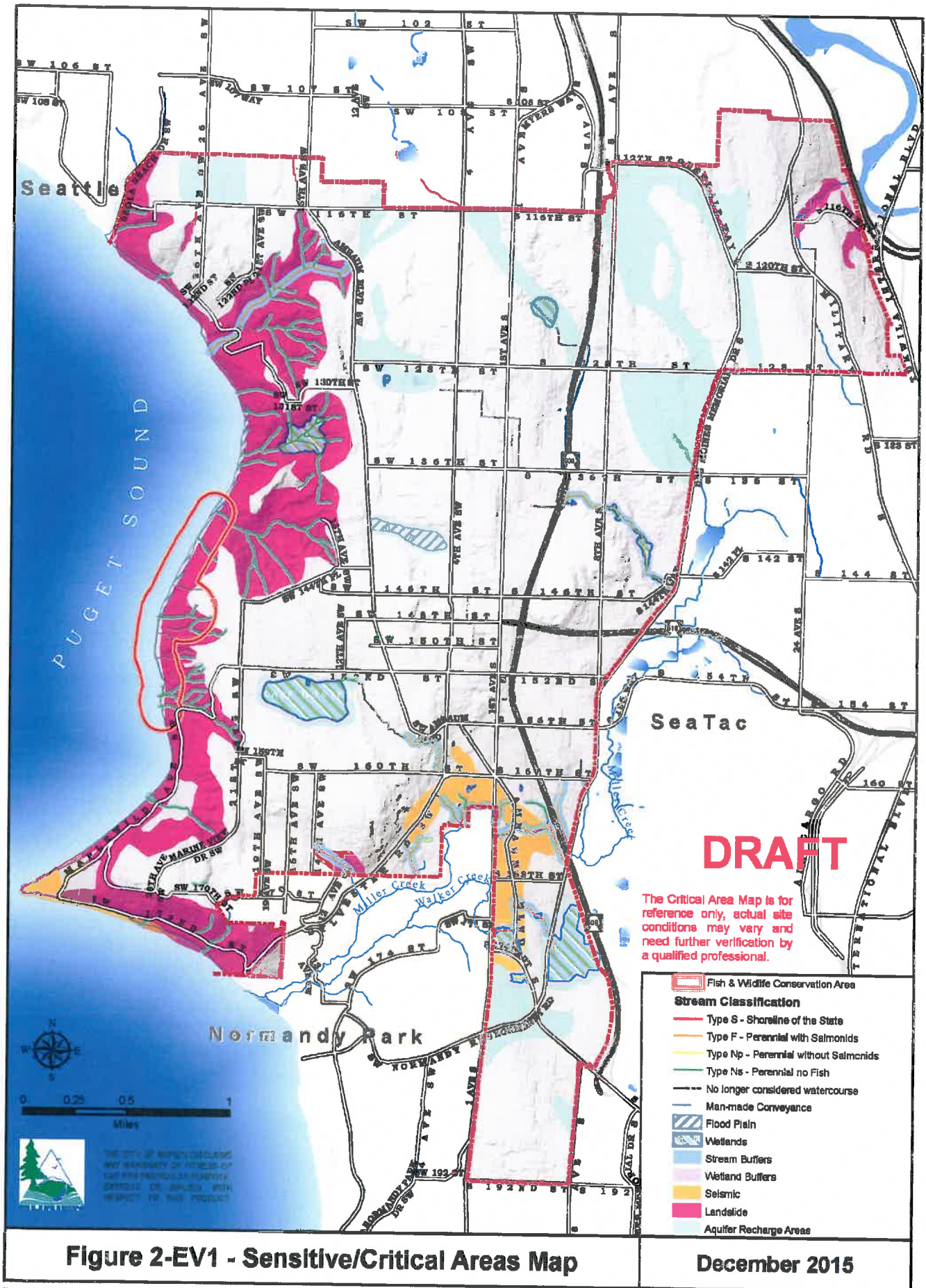
Attachments:

- 1) Figure TR 2.5, Primary Truck Routes
- 2) Map 2 LU-2, Planned Land Use Intensity (update in progress).
- 3) Figure 2-PRO1, Parks Recreation and Open Space
- 4) Figure 2-EV1, Sensitive/Critical Areas Map
- 5) Map LU-1, Comprehensive Plan Land Use Designation Map
- 6) Comprehensive Plan Section 2.1, Introduction
- 7) King County Cities Climate Collaboration, Joint Letter of Commitment
- 8) Climate Change Related Comprehensive Plan Goals, Policies and Objectives



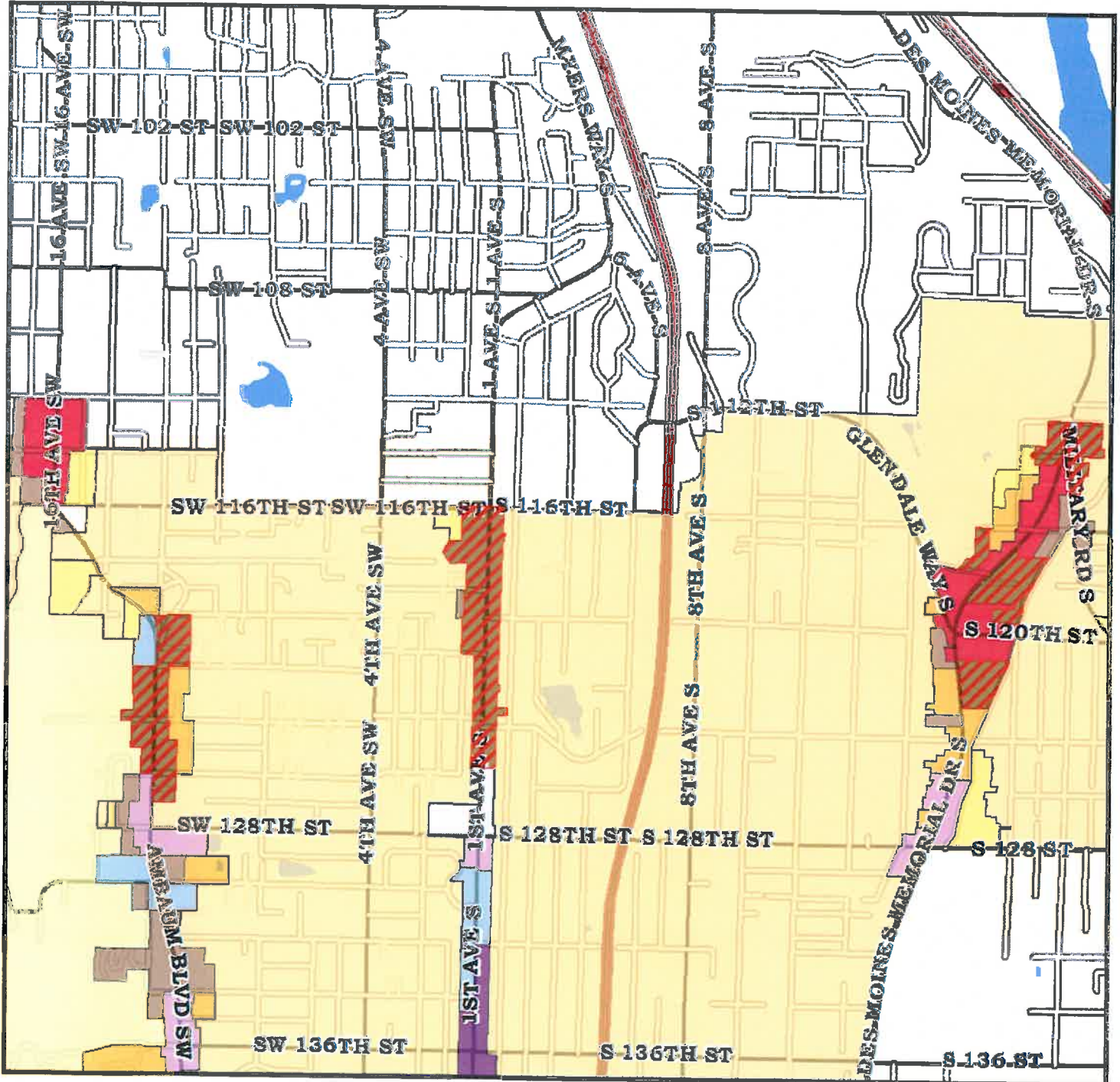


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 Last updated: 9/28/2015
 By: fernando



Vicinity Map (Comp. Plan)

North Burien Map Corrections
Areas highlighted to be designated
High Density Multi-Family Neighborhood



Document Path: M:\David\CompPlan\Map2015.mxd

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Feet

THE CITY OF BURIED DISCLAIMS
ANY WARRANTY OF FITNESS OF
USE FOR PARTICULAR PURPOSE,
EXPRESS OR IMPLIED, WITH
RESPECT TO THIS PRODUCT.



ATTACHMENT 5

2.1 INTRODUCTION

The Burien Vision can only be achieved and sustained through the coordinated action of the entire community. The policies of the Burien Plan set forth in this chapter provide the long-term guidance necessary for such action. The comprehensive plan was developed to also align with the regional vision and addresses each of the policy areas in VISION 2040. It contains policies that address habitat protection, water conservation, air quality, and climate change.

Burien desires to advance environmentally friendly development techniques while also accommodating regionally established residential and employment targets out to 2035. With ever increasing pressure on transportation networks and the environment, a sustainable planning approach is used to accommodate anticipated growth. One of the primary goals of this plan is to achieve more compact urban development within the designated urban center and in identified commercial nodes in order to maintain our well established residential neighborhoods. One technique that is included in the plan is to direct compact mixed use development toward downtown and strategically located commercial nodes along existing transit corridors throughout the city. This approach promotes more efficient use of available land and provides opportunities for employment and housing growth available to a variety of income levels.

~~One of the~~ Another key objectives of the plan is to create a “sustainable community.” A sustainable community is a place where people want to settle and live. It is also a community where members have an environment that promotes public health and vitality of the community and where quality residential neighborhoods and commercial areas attract and retain long-term businesses and shoppers. In a sustainable community, the pattern and quality of development is more important than the amount of growth. In older, more developed communities like Burien, the framework and tradition for a compact and efficient community is well established - the plan builds on this asset.

Policies in this chapter seek to develop a sustainable community by:

- maintaining and enhancing the viability of our neighborhoods, including protecting our existing housing stock;
- enhancing the downtown area, including reusing existing structures, facilities, and infrastructure and modifying them according to our current needs and technology; and
- balancing community needs for capital facilities and services with the ability to finance them.

Collectively these policies emphasize a pattern of development that reinforces Burien’s small town character and supports the character of existing neighborhoods as seen in Figure 2-LU2. In our neighborhoods, development will be designed to retain the neighborhood’s character, as that character is defined by each neighborhood under its Neighborhood Plan. Potential residential densities may also be restricted in areas with environmental constraints (such as aquifer recharge areas, landslide hazard areas, seismic hazard areas, wetlands, stream buffers, shorelines and flood hazard areas) or inadequate infrastructure, including inadequate levels of service for public services (Figure 2-EV1).

Where appropriate, the City will encourage and support the use by individual property owners of alternatives to development. Such alternatives may include transfer of development rights (“TDR”) to the downtown and other appropriate areas, conservation easements, open space tracts, and other mechanisms designed to permanently eliminate development. In cases where individual neighborhoods have reduced the development capacity through the use of covenants, the City will support the conversion of those covenants to conservation easements or other suitable mechanisms. Each time a development right is exercised in this or a like manner the development potential of the area will be commensurately reduced. The City will implement administrative programs designed to educate and facilitate the use of these mechanisms and present these programs to the neighborhoods during the neighborhood planning process.

These policies promote new commercial development and residential development in the downtown area and encourage the type of development that will make downtown an attractive and vibrant place to work, shop, live and recreate. The plan envisions a downtown with the types of activities and uses that will enhance the distinctiveness and vitality of downtown while preserving its small town character. Special attention will be given to the scale and design of buildings to achieve this vision. An important part of these policies is promoting economic development in the downtown by encouraging mixed-use development. Pedestrian activity and transit access is also encouraged and emphasized in these areas.

The Comprehensive Plan goals and policies set forth in this chapter reflect the long-term objectives described during the community visioning process and Planning Commission meetings over the past several years. These policy statements along with the land use map will become the foundation for Burien’s specific guidelines for how to conduct business, make zoning decisions, create annual and long-term budgets, and prioritize city functions over the next twenty years.

The Plan’s policies contained in this chapter are organized according to Planning Element.

This element [land use] of the comprehensive plan contains land use designation criteria that are to be used to evaluate proposed changes to the land use designation map (Comprehensive Plan Map LU-1). The city recognizes the existing land use pattern as identified on the map. The land use designation criteria are to be applied in the consideration of future map amendments.



Joint Letter of Commitment: Climate Change Actions in King County

Climate change is a paramount challenge of this generation and has far-reaching and fundamental consequences for our economy, environment, public health, and safety.

Across King County and its cities, we are already experiencing the impacts of climate change: warming temperatures, acidifying marine waters, rising seas, decreasing mountain snowpack, and less water in streams during the summer.



These changes have the potential for significant impacts to public and private property, resource based economies like agriculture and forestry, and to residents' health and quality of life.

The decisions we make locally and regionally, such as where our communities will grow and how they will be served by transportation, will set the stage for success or failure in reducing carbon pollution, making sound long-term investments, and ensuring our communities are livable and resilient to climate change impacts.

Current science indicates that to avoid the worst impacts of global warming we need to reduce global greenhouse gas emissions sharply. The King County Growth Management Planning Council – a formal body of elected officials from across King County - voted unanimously on July 23, 2014 to adopt a shared target to reduce countywide sources of greenhouse gas (GHG) emissions, compared to a 2007 baseline, by 25% by 2020, 50% by 2030, and 80% by 2050.

Based on our shared assessment of emissions in King County, and review of potential strategies to reduce emissions, we believe that these targets are ambitious but achievable.

Building on the work of the King County-Cities Climate Collaboration (K4C) - a partnership between the County and cities to coordinate and enhance local government climate and sustainability efforts – more than a dozen cities and the County came together in the first half of 2014 to chart opportunities for joint actions to reduce GHG emissions and accelerate progress towards a clean and sustainable future.

The attached **Principles for Collaboration** and **Joint County-City Climate Commitments** are focused on practical, near-term, collaborative opportunities between cities and King County. These shared commitments build on the significant work that many of our cities and County are already taking. By signing this letter, we pledge our support for the shared vision that these principles and actions represent. Our cities commit to actively pursue those strategies and catalytic actions where our jurisdictions can make the most impact given our size, location, and development patterns.

Through focused, coordinated action, we will maximize the impact of our individual and shared efforts.





KING COUNTY-Cities

CLIMATE COLLABORATION

Elected Officials of King County and King County Cities

Dow Constantine
King County Executive

Larry Phillips
King County Council Chair

Bruce Bassett
Mayor, City of Mercer Island

Matthew Larson
Mayor, City of Snoqualmie

Shari E. Winstead
Mayor, City of Shoreline

Jim Haggerton
Mayor, City of Tukwila

Edward B. Murray
Mayor, City of Seattle

Denis Law
Mayor, City of Renton

Amy Walen
Mayor, City of Kirkland

John Marchione
Mayor, City of Redmond

Fred Butler
Mayor, City of Issaquah

Claudia Balducci,
Mayor, City of Bellevue

Tom Vance
Mayor, City of Sammamish



Principles for Collaboration

- 1 Climate change is the paramount challenge of our generation, and has fundamental and far-reaching consequences for our economy, environment, and public health and safety.
- 2 Strong action to reduce GHG emissions is needed, and the time is now.
- 3 Local governments can reduce greenhouse gas (GHG) emissions through many decisions related to transportation and land use, energy and green building, forests and farms, and consumption and materials management.
- 4 Many cities in King County have set individual climate goals and are taking steps to reduce local GHG emissions, and we need to build on this leadership.
- 5 Local solutions need to be implemented in ways that build a cleaner, stronger and more resilient regional economy.
- 6 Progress will require deeper engagement with communities of color and low income, immigrant, and youth populations. These communities can be more vulnerable to the impacts of climate change—from increasing flood risks to rising costs of fossil fuels – and historically less likely to be included in community-scale solutions or as leaders. We are committed to work in ways that are fair, equitable, empowering, and inclusive and that also ensure that low income residents do not bear unfair costs of solutions.
- 7 Federal and state policies and laws can help us achieve our goals, but countywide and local policy, programs and partnerships are needed to fill the existing gap to achieve local GHG targets.
- 8 Progress will require deep partnerships between the County, cities, utilities, businesses, nonprofit organizations, and other public sector agencies.
- 9 King County and nine cities have formed the King County-Cities Climate Collaboration (K4C), and we will work to build on this initial pledge, both in increased action and increased participation from additional cities.
- 10 We can accomplish more with a shared vision and coordinated action; collaboration will increase the efficiency of our efforts and magnify the impact of our strategies beyond what each of us could achieve on our own.
- 11 Our cities support the shared vision that the Joint County-City Climate Commitments represent, but it is not the intention that each city will pursue every catalytic action. Cities and King County will actively pursue strategies where they have the most impact and influence.
- 12 We will reconvene at least annually to share progress. We also dedicate a staff point person from our cities and from the County to help coordinate implementation of the following Joint County-City Climate Commitments, and to serve as a point person to the K4C.



Joint County-City Climate Commitments ●○○○



I. Shared Goals

Pathway: Adopt science-based countywide GHG reduction targets that help ensure the region is doing its part to confront climate change.

Catalytic Policy Commitment: Collaborate through the Growth Management Planning Council, Sound Cities Association, and other partners to adopt countywide GHG emissions reduction targets, including mid-term milestones needed to support long-term reduction goals.

Catalytic Project or Program: Build on King County's commitment to measure and report on countywide GHG emissions by sharing this data between cities and partners, establishing a public facing dashboard for tracking progress, and using the information to inform regional climate action.



II. Climate Policy

Pathway: Support strong federal, regional, state, countywide and local climate policy.

Catalytic Policy Commitment: Advocate for comprehensive federal, regional and state science-based limits and a market-based price on carbon pollution and other greenhouse gas (GHG) emissions. A portion of revenue from these policies should support local GHG reduction efforts that align with these Joint County-City Climate Commitments, such as funding for transit service, energy efficiency projects, and forest protection and restoration initiatives.



III. Transportation and Land Use

Pathway: For passenger vehicles and light trucks, reduce vehicle miles traveled by 20% below 2012 levels by 2030 and GHG emissions intensity of fuels by 15% below 2012 levels by 2030.

Catalytic Policy Commitment: Partner to secure state authority for funding to sustain and grow transit service in King County.

Catalytic Policy Commitment: Reduce climate pollution, build our renewable energy economy, and lessen our dependence on imported fossil fuels, by supporting the adoption of a statewide low carbon fuel standard that gradually lowers pollution from transportation fuels.

Catalytic Policy Commitment: Focus new development in vibrant centers that locate jobs, affordable housing, and services close to transit, bike and pedestrian options so more people have faster, convenient and low GHG emissions ways to travel.

Catalytic Project or Program: As practical, for King County and cities developing transit oriented communities around high capacity light rail and transit projects, adopt the Puget Sound Regional Council's Growing Transit Communities Compact. For smaller cities, participate in programs promoting proven alternative technology solutions such as vehicle electrification, as well as joint carpool and vanpool promotional campaigns.



Joint County-City Climate Commitments ○●○○



IV. Energy Supply

Pathway: Increase countywide renewable electricity use 20% beyond 2012 levels by 2030; phase out coal-fired electricity sources by 2025; limit construction of new natural gas based electricity power plants; support development of increasing amounts of renewable energy sources.

Catalytic Policy Commitment: Build on existing state renewable energy commitments including the Washington State Renewable Portfolio Standard (RPS) to partner with local utilities, state regulators and other stakeholders on a countywide commitment to renewable energy resources, including meeting energy demand through energy efficiency improvements and phasing out fossil fuels.

Catalytic Project or Program: In partnership with utilities, develop a package of county and city commitments that support increasingly renewable energy sources, in areas such as community solar, green power community challenges, streamlined local renewable energy installation permitting, district energy, and renewable energy incentives.



V. Green Building and Energy Efficiency

Pathway: Reduce energy use in all existing buildings 25% below 2012 levels by 2030; achieve net-zero GHG emissions in new buildings by 2030.

Catalytic Policy Commitment: Join the Regional Code Collaboration and work to adopt code pathways that build on the Washington State Energy Code, leading the way to “net-zero carbon” buildings through innovation in local codes, ordinances, and related partnerships.

Catalytic Project or Program: Develop a multi-city partnership to help build a regional energy efficiency retrofit economy, including tactics such as: collaborating with energy efficiency and green building businesses, partnering with utilities, expanding on existing retrofit programs, adopting local building energy benchmarking and disclosure ordinances, and encouraging voluntary reporting and collaborative initiatives such as the 2030 District framework.



Joint County-City Climate Commitments ○○○●○



VI. Consumption and Materials Management:

Pathway: By 2020, achieve a 70% recycling rate countywide; by 2030, achieve zero waste of resources that have economic value for reuse, resale and recycling.

Catalytic Policy Commitment: Partner through the Metropolitan Solid Waste Management Advisory Committee on policy, projects and programs focused on (1) waste prevention and reuse, (2) product stewardship, recycling, and composting, and (3) beneficial use.

Catalytic Project or Program: Develop a regional strategy through the Comprehensive Solid Waste Management Plan process to reach 70% recycling through a combination of education, incentives and regulatory tools aimed at single-family, multi-family residents, businesses, and construction projects in King County.



VII. Forests and Farming

Pathway: Reduce sprawl and associated transportation related GHG emissions and sequester biological carbon by focusing growth in urban centers and protecting and restoring forests and farms.

Catalytic Policy Commitment: Partner on Transfer of Development Rights (TDR) initiatives to focus development within the Urban Growth Area, reduce development pressure on rural lands, and protect our most valuable and important resource lands.

Catalytic Project or Program: Protect and restore the health of urban and community trees and forests, for example through public-private-community efforts such as Forterra's Green Cities Partnerships.

Catalytic Project or Program: Partner on collaborative efforts to expand forest and farm stewardship and protection, for example through King Conservation District's farm management planning, landowner incentive, and grant programs.

Catalytic Project or Program: Expand our local food economy, for example by supporting urban and community farming, buying locally produced food, and participating in the Farm City Roundtable forum.



Joint County-City Climate Commitments ○○○●

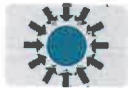


VIII. Government Operations

Pathway: Reduce GHG emissions from government operations in support of countywide goals.

Policy Commitment: Develop and adopt near and long-term government operational GHG reduction targets that support countywide goals, and implement actions that reduce each local government's GHG footprint.

Catalytic Project or Program: In support of the Section V. Green Building and Energy Efficiency pathway targets to reduce energy use in existing buildings 25% below 2012 levels by 2030 and achieve net-zero GHG emissions in new buildings by 2030: execute energy efficiency projects and initiatives at existing facilities, measure existing building performance through EPA's Energy Star or equivalent program, implement high-efficiency street and traffic light replacement projects, and construct new buildings to LEED or Living Building Challenge standards and infrastructure to equivalent sustainability standards.



IX. Collaboration

Policy Commitment: Participate in or join the King County-Cities Climate Collaboration (K4C) – focused on efforts to coordinate and enhance city and County climate and sustainability efforts – to share case studies, subject matter experts, resources, tools, and to collaborate on grant and funding opportunities.

Catalytic Project or Program: Engage and lead government-business collaborative action through efforts such as the Eastside Sustainable Business Alliance.

Climate Change Related
Comprehensive Plan
Goals, Policies and Objectives

- Pol. LU 1.4 Encourage a mix of residential, office and commercial uses within Burien's Urban Center to create a vibrant city center that reduces reliance on the automobile and provides a range of housing opportunities.
- Pol. EV 1.4 The City shall maintain a system of development regulations and a permitting system to prevent the destruction of critical areas. Development regulations should at a minimum address wetland protection, aquifer recharge areas important for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.
- Pol. EV 1.8 Locate development in a manner that minimizes impacts to natural features. Promote the use of innovative environmentally sensitive development practices, including design, materials, construction, and on-going maintenance.
- Pol. EV 1.11 Encourage minimizing the amount of impervious surfaces in new development through the use of appropriate low-impact development techniques and removing paved areas or using retrofit options in existing developments, where applicable, to minimize runoff.

Goal EV.2

Maintain and promote a safe and healthy environment and preserve the quality of life in Burien.

- Pol. EV 2.6 Continue to support and rely on the various State, Federal, local and regional programs to protect and enhance air quality.
- Pol. EV 2.11 The City shall encourage an increase in tree canopies through the addition and the preservation of existing vegetation and use of landscaping as an integral part of development plans.
- Pol. DB 1.8 The City should reinforce and enhance Burien's unique character and sense of place by creating an attractive, distinctive and well-defined downtown that supports and encourages walking and use of transit, as well as travel by the automobile. To help achieve this objective, the City should implement the Downtown Master Plan and Conceptual Framework for the Town Square to address issues such as (but not limited to) street and right-of-way standards, design guidelines, infrastructure needs, and public facilities needs and locations (*these documents are on file with the City and are incorporated herein by reference*).

Goal SC.1

Develop a fully integrated local street system which accommodates various transportation modes depending upon individual neighborhood characteristics, and creates streetscapes that enhance neighborhood quality and help develop a strong sense of community.

Citywide

Pol. SC 1.1 Pedestrian and other non-motorized travel facilities should be provided consistent with the Pedestrian and Bicycle Facilities Plan, giving priority to community pathways that connect public places, such as parks, recreation facilities, open spaces, downtown, schools, and neighborhood gathering spots. (Amended, Ord. 445, 2005)

Objective TR 1.1 Multimodal Layered Network Concept

In planning roadway improvements, refer to the City's adopted layered network concept in the Transportation Master Plan, which designates specific streets as serving different user types, including local vehicle trips, through trips, freight, transit vehicles, bicycles, and pedestrians.

Objective TR 1.2

Encourage multimodal connections where feasible, including strong pedestrian linkages between the transit center/TOD with downtown Burien.

Pol. TR 1.2.3 Reduce the drive alone trips mode split for downtown Burien by 10% by 2030.

Pol. TR 1.4.5 Encourage employers to establish and maintain a commute trip reduction program that supports and promotes reducing the number of single-occupant vehicle commute trips by encouraging alternative modes of transportation such as riding the bus, vanpool and carpool, biking to work, working from home, or a compressed workweek. (Amended, Ord. 497, 2008)

Goal 4 Pedestrian and Bicycle Facilities

Create a safe and convenient environment for walking and bicycling integrated with roads and other transportation facilities.

Pol. TR 4.1.4 Encourage bicycle and pedestrian travel within the City by:

- a. Providing and promoting the development of pedestrian and bicycle paths between neighborhoods and other activity centers, such as schools, parks, transit and downtown;
- b. Encouraging the location of bicycle racks at appropriate destination points, such as outside of commercial businesses, City Hall, parks, schools, and transit facilities;
- c. Minimizing potential conflicts between pedestrian, bicycle and automobile traffic by providing signage at intersections of trails and paths with roadways; and

- d. Accommodating bicycles and pedestrians safely in the management and design of the City street network.

Objective TR 8.1

Support a transportation system that encourages energy conservation via the promotion of roadway connectivity, use of alternative transportation modes, development that minimizes reliance on vehicles, and street improvement standards.

Pol. TR 8.1.1 Promote transit, bicycle and pedestrian travel.

Pol. TR 8.1.2 Support current federal, state and regional policies aimed at reducing vehicle-related air pollution, including transportation demand strategies.

Pol. TR 8.1.3 Coordinate with the Puget Sound Regional Council, Puget Sound Clean Air Agency, Washington State Department of Transportation, transit agencies and other jurisdictions to develop transportation control measures and air quality programs when warranted.

Goal UT.4

Maintain an adequate and effective solid waste and recycling program to serve the needs of Burien's residents and businesses, which maintains public health, environmental and land use quality.

Pol. UT 4.1 The City shall encourage private and public sector involvement in recycling programs and in the use of recycled products, primarily through an enhanced public education campaign.

Pol. UT 4.2 The City should strive to achieve an overall waste diversion rate goal of 65% by the year 2024. (Amended, Ordinance No. 614, December 2014)

Pol. UT 4.3 The City should strive to achieve:

- a. a 95% recycling participation rate in the single family sector;
- b. a 75% recycling participation rate in the multifamily sector; and
- c. a 60% recycling participation rate in the commercial sector.

(Amended, Ordinance No. 614, December 2014)

Pol. UT 4.4 The City should build upon existing recycling programs, and initiate new programs that will result in a significant impact at a reasonable cost.

Goal ED. 5

Promote clean, sustainable, environmentally-friendly businesses and jobs.

Goal SU.3

Conserve energy and reduce the amount of carbon dioxide released into the atmosphere.

- Pol. SU 3.1 The City should evaluate energy use and carbon emissions and develop targets for conservation.
- Pol. SU 3.2 The community should work to become more efficient in our daily lives and our usage of resources.

CITY OF BURIEN, WASHINGTON MEMORANDUM

DATE: September 22, 2015

TO: Planning Commission Chair Curtis Olsen
Planning Commission

FROM: Brandi Eyerly, AICP, Planner

SUBJECT: Update - Amendment Proposals to BMC 19.17.100 “Keeping of Animals”
Proposed Zoning Code Amendments – Corrections to Text

Amendment Proposals to BMC 19.17.100 “Keeping of Animals”

At the July 22nd and August 12th meetings the Planning Commission discussed proposed amendments to BMC 19.17.100 Keeping of Animals. Attached for your information is a summary of the those proposed amendments as forwarded to City Council in December 2014, with Planning staff’s comments, and City Council’s and the Commission’s 2015 discussion points.

A public hearing is scheduled for the October 28, 2015 meeting to take public comment and discuss amendment recommendations to forward to City Council for consideration in December.

Proposed Zoning Code Amendments – Corrections to Text

At its October 8, 2014 meeting the Planning Commission approved proposed Zoning Code amendments to correct typographic errors, correct outdated references and codify current practices relating to a number of different sections of the Zoning Code. The City Council tabled its consideration of these codes until such time the Commission finishes reviewing and forwards its recommendation to BMC 19.17.100 Keeping of Animals.

These amendments will also be included in the October 28, 2015 public hearing.

The following list is a brief summary of the topics covered by the proposed amendments.

- 1. BMC 19.10.290 (Definition of Interim Zoning Code):** Deletes the definition of interim zoning code.
- 2. BMC 19.17.090.5.I.iv (Home Occupation Standards):** Corrects an outdated code reference to the Building and Fire Codes.
- 3. BMC 19.25.070.2.B & D (Landscaping – Surface Parking Areas) & BMC 19.25.120.4 (Significant trees – Retention required):** Adds Landscape Category F to the surface parking area and significant tree retention regulations.

4. **BMC 19.30.070.1 (General Requirements for all signs):** Corrects typographical error for old code reference in Chapter 18 that has been repealed.
5. **BMC 19.40.380.1.F & BMC.19.40.410.C (Fish and Wildlife Habitat Conservation Areas):** Corrects an outdated code reference from the Washington State Department of Fish and Wildlife to the U.S. Fish & Wildlife Service.
6. **BMC 19.40.430.5.C (Critical Area Aquifer Recharge Areas Performance Standards):** Corrects an outdated code reference to the Building and Fire Codes.

2014 Keeping of Animals Zoning Code Amendments Summary

(Planning staff notes are italicized. 2015 City Council & Planning Commission Comments in red.)

ADDITION 19.17.100.4.D. Miniature potbelly pigs. That type of swine commonly known as the Vietnamese, Chinese, or Asian Potbelly Pig (*Sus scrofa bittatus*).

(Defines miniature potbelly pig for zoning code interpretation and compliance.)

(City Council directed striking this amendment, Planning Commission agrees)

NEW 19.17.100.4.E. Miniature goats. The types of goats commonly known as Pygmy, Dwarf, and Miniature Goats. Two miniature goats may be kept in addition to the small animals allowed under 19.17.100.4B, on any lot provided

- i. It does not exceed 24 inches at shoulder or more than 150 pounds in weight;
- ii. Male miniature goats shall be neutered and all goats shall be dehorned;
- iii. A minimum of 200 square feet of outdoor space with a shelter enclosure shall be devoted for each goat; and shall maintain a distance of not less than 10 feet to any *property line* and 20 feet from any *dwelling unit* on adjacent properties;
- iv. A fence no less than five (5) feet in height shall surround the outside area devoted to the goats;
- v. Outside food for immediate consumption and fresh water shall be kept under cover with sufficient area to shelter the goat(s) while eating or within the shelter enclosure;
- vi. Provisions must be made to ensure that food stored outdoors will not attract rodents or insects; and,
- vii. Nursing offspring of miniature goats may be kept until weaned, no longer than 12 weeks from birth.

(Defines miniature goats for zoning code interpretation and compliance; establishes maximum number of miniature goats, size, outdoor space and enclosure requirements, setbacks from property lines, and outdoor feed storage containment.)

(City Council directed striking this amendment and keep the regulation of goats under the livestock section. Planning Commission agrees.)

REMOVES 19.17.100.4 ~~F. Domestic fowl and rabbits. Any combination of three (3) domestic fowl and rabbits, with the exception of roosters, may be kept on any lot in addition to the small animals permitted in the preceding subsections. On lots of at least one-half acre, domestic fowl and rabbits may be kept at the rate of 7 per one-half acre.~~

(Removes domestic fowl)

(City Council directed that rabbits and domestic fowl be regulated together as before, and number same as proposed for domestic fowl below. Planning Commission agrees.)

NEW G. Domestic fowl. Three (3) *domestic fowl* may be kept on any *lot*. Four (4) on *lots* equal to or greater than 6,000 square feet, 1 additional *domestic fowl* may be kept per each 2,000 square feet of lot area to a maximum of 15; over 15 domestic fowl may be kept on lots greater than 20,000 square feet if a farm management plan, developed with the King Conservation District, is implemented and maintained. Keeping of *domestic fowl* is in addition to the *small animals* permitted in the preceding subsections provided

- i. A suitable pen, structure or enclosure to house and safeguard domestic fowl from predators shall be provided and located no less than 10-feet from the property line.
- ii. Maintenance and upkeep of *domestic fowl* areas shall meet the following United States Department of Agriculture (USDA) prevention measures to minimize public health concerns and nuisances:

- a. Remove wet manure, bedding and feed to minimize odor, prevent bacterial growth and limit flies that can spread contamination;
- b. Store poultry feed in rodent-proof containers;
- c. Properly compost chicken manure prior to using it for fertilizer to prevent the growth of harmful bacteria; and,
- d. Regularly clean and sanitize feeders and water dispensers.

(Establishes maximum number of domestic fowl and minimum lot sizes, enclosure requirements, setbacks from property lines, and maintenance and upkeep of domestic fowl areas.)

(City Council directed to raise the minimum number of domestic fowl on 7,200 s.f. lot to 5 and 1 additional per every 2,000 s.f. Planning Commission agrees.

City Council & Planning Commission agree rabbits will remain included with domestic fowl, see above.)

ADDITION 19.17.100.4.E Setbacks, maintenance and upkeep of animal areas. Except otherwise regulated by this subsection, setbacks, maintenance and upkeep of animal areas shall meet the following standards:

- i. Any covered *structure* used to house or contain 4 or more *small animals* shall maintain a distance of not less than 10 feet ~~20 feet~~ to any *property line*- and 20 feet from any dwelling unit on adjacent properties;
- ii. All covered structures, confinement areas and open run areas shall be kept clean to prevent infestation of insects, rodents or disease as well as to prevent obnoxious or foul odors;
- iii. Animal waste shall be properly disposed of and any accumulated animal waste must not be stored within the setback area. Any storage of animal waste must not constitute a nuisance as defined in BMC 8.45 Nuisances;
- iv. Manure when used as a fertilizer must be plowed or spaded under within 24 hours after application;
- v. Store feed in rodent-proof containers; and,
- vi. Provisions shall be made to ensure that animal food stored outdoors will not attract rodents Or insects.

(Establishes setbacks, maintenance and upkeep of outdoors animal areas for those subsections not otherwise regulated i.e. unaltered adult cats and dogs, miniature potbelly pigs, rabbits, and other small animals.)

(City Council directed to keep existing 20 feet to any property line and strike proposed language “and 20 feet from any dwelling unit on adjacent properties”. Planning Commission disagrees. The Commission reasoned that the intent of the amendments were to extend the opportunity to keeping of animals to more Burien citizens and decreasing the setbacks allowed residents with smaller lot widths to do so. 20 feet from any dwelling unit on adjacent properties helps to mitigate the noise and odors animal pens tend to emit.)

ADDITION 19.17.100.4 Prohibited small animals. The keeping of roosters, peafowl, mink, foxes and any exotic or wild animals that could pose a public threat or have an obnoxious nature which is a nuisance to the adjacent neighborhood are prohibited.

(The addition of peafowl which can be a noise nuisance.)

(City Council stated that animal noise should be enforced on a complaint basis rather than ban a specific type of animal or bird. Planning Commission agrees and will propose a noise ordinance amendment.)

NO AMENDMENTS:

19.17.100.5. Beekeeping

19.17.100.6. Livestock

19.17.100.7 Categorization of animals